

Smoking Policy Institute

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Smoking Policy Institute

Incorporation and Stated Purpose

On August 13, 1986, the Smoking Policy Institute (the Institute) was incorporated as a nonprofit corporation under the laws of the State of Washington. (Tab 1)

As outlined in Article III of its Articles of Incorporation, the purposes of the Institute are:

Essentially to engage in nonpartisan analysis, study and research concerning the use of tobacco products in public, with particular emphasis on the use of tobacco products in private and public work places throughout the United States and the rest of the world and to present the results thereof via public discussion groups, forums, panels, lectures and similar programs in a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. The officers of the corporation shall have the responsibility for planning and implementing an educational program to carry out the above and foregoing purposes.

In its 1990 Annual Report to the Secretary of State, the affairs currently being conducted by the Institute in the State of Washington were described as follows:

The Institute provides an education and information resource for business employees and employers on the subject of environmental tobacco smoke and its impact in the work place and provides solutions to the problems.

The Smoking Policy Institute is empowered to gather interested individuals who wish to lend their names to the works of the "educational enterprise," to receive gifts and donations and to purchase and accept gifts of real or personal property.

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Among those activities expressly forbidden by the corporation are:

No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

The management of the corporation is vested in a board of seven directors. The two individuals who served as the incorporators were Timothy Lowenberg, named the Registered Agent, and Robert Rosner. Timothy Lowenberg, an attorney practicing with the firm Schweinler, Lowenberg & Lopez in Tacoma, Washington, continued as the Institute's registered agent and served as its secretary until 1989. Robert Rosner is also still with the Institute, serving as its Executive Director. In his position as Executive Director of the Smoking Policy Institute, Mr. Rosner maintains a high profile in the news media.

According to the Encyclopedia of Associations, 1991 edition, the Smoking Policy Institute was formerly known as the Institute for Occupational Smoking Policy founded in 1985. The Smoking Policy Institute was originally associated with the Albers School of Business, Seattle University. Whether there continues to be an affiliation is not known. The 1990 Annual Report does list the address of one of the officers, William Weis, Treasurer, as the Albers School of Business, Seattle University.

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Prior to the formation of the Smoking Policy Institute or its predecessor, Robert Rosner began a career of consulting with businesses on developing a smoke-free policy. His first client was Group Health Cooperative of Seattle whose policy went into effect in early 1984 after ten months of planning. "Health Groups Ban Smoking," United Press International, April 26, 1984. (Tab 6)

By mid-1965 Robert Rosner had joined forces with two others in a consulting partnership. Although Rosner, Weis and Lowenberg apparently no longer exists as a partnership, all three of the men have maintained active roles in the Smoking Policy Institute. They are Timothy Lowenberg, the registered agent and secretary through 1989 and William Weis, the treasurer. The partnership was formed, according to Rosner, when a need for smoking policy consultation was evident. "Two Burning Questions: Who Tells Smokers to Put It Out?" The Washington Post, July 28, 1985, at D1. (Tab 8) Mr. Weis, chairman of Seattle University's accounting department, authored a report that claims that smokers boost a company's costs up to \$4,600 per employee annually. The partnership often cited Weis' report when working with companies.

In November 1984 the three men appeared with others as speakers at a seminar offering advice to Los Angeles business leaders on how to create a smoke-free work place. Mr. Weis is identified as "an expert on the cost of smoking to employers." Mr. Lowenberg is said to be a "nationally recognized authority on smoking and the law." Robert Rosner is a "frequent media speaker

2022875170

on smoking in the work place and veteran smoking policy implementation specialist." "For Your Information," PR Newswire, Nov. 14, 1984. (Tab 7)

By September 1985, Robert Rosner was identified as the executive vice president of the Institute of Occupational Smoking Policy at Seattle University's Albers School of Business. Rosner, at the time, was a keynote speaker at three seminars scheduled in New Jersey to discuss compliance with the state's new smoking laws. "Business Notes," The New York Times, Sept. 29, 1985, at 12, Col. 5. (Tab 9)

When the state of Washington established a public benefit nonprofit corporation designation in 1989, the Smoking Policy Institute applied for the designation. (Tab 3) According to the findings of the Washington legislature, the designation was created "to increase the level of accountability to the public of the nonprofit corporations . . ." and to establish a clear definition of those nonprofit corporations that may hold themselves out as operating to benefit the public. Wash. Rev. Code Ann. § 24.03.490 (1990).

Reported Activities

Shortly after the incorporation of the Institute in 1986, a letter to the editor was written to the New England Journal of Medicine, by Michael J. Martin, M.D., of the University of California, Annette Fehrenbach, Ph.D., Pacific Northwest Bell, and Robert Rosner, Smoking Policy Institute, to report on the smoking

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ban recently initiated at Pacific Northwest Bell, a Seattle-based telephone company. (Tab 4) At the time the letter to the editor was written, the ban on smoking at Pacific Northwest had been in effect for six months. After reporting on the success of the smoking ban, the letter concludes by suggesting that physicians should be particularly interested in the smoking policies of hospitals.

It is now time for all hospitals to consider such a ban. Smoking is the greatest cause of premature death and disability in the United States, and it would be ironic if health care institutions let the general business community take the lead in banning smoking in the work place.

The letter to the editor received a considerable amount of attention in the news media, culminating in an appearance by William Weis and Robert Rosner of the Smoking Policy Institute on the MacNeil/Lehrer News Hour on September 9, 1986. During that broadcast, Mr. Rosner was quoted as saying "This is something that people are going to have to get used to -- that the ashtray in the corporate environment is going to be as rare as the spittoon is. Smoking is on its way out." (Tab 16)

In March 1987, in an article entitled "Warning: No Smoking in the Office Any More" a spokeswoman for the Smoking Policy Institute described the evolution of the activities of the Institute.

"When we first began," said Jennifer Pepino, a spokeswoman for the organization, "we dealt mostly with whether companies should have policies. Now, we are dealing with how to

implement those policies. It is very much a trend. Once you start the ball rolling, the effect is enormous," she said.

In addition to helping set policy for employers, the Institute provides teaching tools and videotapes to ease the process of converting a work place into a nonsmoking or smoking-restricted area. "We've helped thousands of companies over the phone," Pepino said, in addition to the approximately 60 who have paid the Institute to set up tailored programs for their facilities.

(Tab 24)

In an article dated April 3, 1987, Carolyn McVicker who is described as the Director of Marketing for the Smoking Policy Institute issued comments concerning a Washington State Supreme Court case in which second hand smoke was an issue. The article describes the Institute as "a nonprofit corporation which assists corporations in resolving problems created by smoking in the work place." 63 Daily Lab. Rep. (BNA) at A-1 (April 3, 1987). (Tab 25)

Robert Rosner, the Institute's Executive Director, described the Institute's position on smoking in an article published in the Los Angeles Times on August 2, 1987. (Tab 30) Rosner said his Institute takes a "very narrow" position on smoking. That position does not concern the health of smokers. It concerns "the public health of all those exposed to smoke." Reinforcing that idea in a subsequent Los Angeles Times article of August 10, 1987, Rosner said he doesn't personally care whether people smoke. "But, he added, 'the issue is that people should not smoke if they share an air space . . .'" (Tab 31)

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In October 1987 the U.S. Surgeon General and the U.S. Office on Smoking and Health commissioned a federal report by the Smoking Policy Institute to examine smoking control policies within the government. Robert Rosner criticized the smoking control policies of the government by saying it was a classic example of the government making a rule then adding a hundred exceptions. According to Rosner, "[r]ather than admitting smoking presents a health problem and isolating smoking in the work place, the agencies have set up this Byzantine house of cards." (Tab 32)

In November 1987 the Smoking Policy Institute conducted a survey of 50 of the Fortune 500 companies. The survey, conducted by means of written and telephone interviews, indicated that smoking in the work place is perceived as enough of a problem to warrant restrictions. A spokeswoman for the Institute explained their current activities.

"We don't conduct clinics, or insist on a totally smoke free environment," Pepino said. "Our main concern is educating corporations to understand the implications of smoking in the work place and help them to develop smoking control policies."

"We are not anti-smoking. Smokers have the right to smoke and non-smokers have the right not to smoke, so we want environments where there is no involuntary smoking."

The article discussing the survey by the Institute, "Majority of Companies have Smoking Policies," November 17, 1987, quotes both Jennifer Pepino and Robert Rosner of the Smoking Policy Institute and identifies the Institute as one which "assists

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corporations and other organizations to resolve problems created by smoking." (Tab 35)

The Institute's survey was discussed again in an article in early 1988, indicating that 72% of the companies surveyed developed smoking policies only after they were required to do so by law. Robert Rosner explained that the main reason the companies are hesitant about developing smoking policies is that "they approach it as 'a social problem, not a health and safety problem.'" According to Mr. Rosner, companies which are putting together a smoking policy must decide where or whether they will let people smoke, how to designate areas for smoking, and how to help employees stop smoking.

"To be successful even in restricting smoking, you have to convince employees that sidestream smoke is harmful. If you do that, then the clock starts ticking to remove smoke as a health problem." Mr. Rosner observes.

"Smoking and Drug Policies; Who's Right," Industry Week, Feb. 1, 1988 at 39. (Tab 39)

In March 1988 Seattle was named one of the ten healthiest cities in America. The description of Seattle included a reference to the Smoking Policy Institute. The Institute was identified as a national education and lobbying group that has helped ban or limit smoking in many local companies. (Tab 41)

Robert Rosner, in an article discussing the recently escalated pace of regulation of smoking, states that in the last two years "we've made more progress than in the previous 30." The

reason given most frequently for this change is the new information on passive smoking. According to Mr. Rosner, "The one humongous issue is that the average person can justify harming themselves, but can't justify harming somebody else." "Smoking Becomes 'Deviant Behavior,'" The New York Times, Apr. 24, 1988, at 1, col. 1. (Tab 43)

In an opinion article written for the Los Angeles Times entitled "Subsidizing Smokers -- Something to Burn Over," Robert Rosner concluded his article by saying "let's use the occasion of today's 'Great American Smoke Out' to smoke out tobacco economics and return fiscal and respiratory control to the 2/3 of Americans who don't smoke." Nov. 17, 1988. (Tab 5)

On November 30, 1988, the Surgeon General, C. Everett Koop, presented his office's highest award to Robert Rosner of the Smoking Policy Institute. At the time of the award, Rosner was in Washington to consult with officials of the Environmental Protection Agency. He reportedly accepted Koop's invitation to drop by for what he thought was a courtesy call. Instead, Rosner discovered a television crew ready to film the presentation of the Surgeon General's medallion to him. Rosner credited Koop for encouraging him to form the Institute after the two had worked together on some anti-smoking videotapes in 1985. According to Rosner, the Institute exists mostly on foundation grants and contributions and has worked with about 400 private companies to develop plans to eliminate smoking in the work place. (Tab 47)

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On January 6, 1989, Robert Rosner appeared on the MacNeil/Lehrer News Hour asserting his opinion that smoking is addictive.

I think that in our society we have a slight problem, that what we do is we look at smoking and we say it's a personal choice issue and we forget that for millions and millions of people, once they start smoking, the personal choice goes out the window; they are hooked to an addictive drug.

Consistently, a majority of both alcohol users and drug users say that they had a much tougher time kicking nicotine than they did kicking alcohol and heroin.

Later in this same program, Rosner discussed the issue of advertising and young people. He offered his solution to the appeal of tobacco advertising to young people.

See, the problem is that education is boring and Madison Avenue is smart, and what we've been doing is we've been going up with a sling shot against Madison Avenue, and I think we have to fight fire with fire.

At this point in the program, a public service announcement against smoking was aired. (Tab 48)

On the 25th anniversary of the first Surgeon General's Report, Surgeon General Koop talked about Robert Rosner who had just received the Surgeon General's Medallion and the Smoking Policy Institute of which Rosner is the Executive Director. According to the Surgeon General,

The Institute is a credible, visible and centralized information resource, committed to protecting people from involuntary exposure to tobacco smoke in the work place and to helping

business develop healthy options to smoking in the work place.

In the same article, Rosner pointed to a key success in banning smoke at the Lexington Clinic, a Kentucky medical center. "Rosner quipped, 'We got smoking banned in the middle of the tobacco belt.'" "Smoking; Anti-Smoking Group Knows How to Clear the Air," Universal Press International, Jan. 11, 1989. (Tab 51)

On January 29, 1990, the King County Medical Blue Shield, a company located in Seattle, announced that it would offer rate discounts on group medical plans to an employer that employs nonsmokers and maintains a smoke free work place. The spokeswoman for King County Medical said that a public education campaign on the dangers of passive smoking as well as advertising on the discounts had sparked a "pretty lively" response. The public education campaign was also sponsored by the Smoking Policy Institute of Seattle, advertising the availability of booklets on how to stop smoking and how to "kick" someone else's habit. According to the news release, the ads in the campaign said that inhalation of someone else's cigarette smoke, at home or at work, can double a person's chance of developing lung cancer and other serious respiratory diseases. "Reduced Medical Plan Rates Offered to Smoke Free Employers of Nonsmokers," 17 Pens. Rep. (BNA) No. 9 at 378 (Feb. 26, 1990). (Tab 52)

In another article discussing the action of King County Medical, Robert Rosner was reported to have said that a new government study demonstrates the need for more action like that

of King County Medical. Mr. Rosner was identified as the Executive Director of the Seattle-based Smoking Policy Institute, "which fights smoking and promotes no smoking policies and activities." "Insurance Carrier Cuts Losses on High-Risk Clients," The Seattle Times, Mar. 5, 1990, at D-2. (Tab 53)

An article in Employee Benefit News, April 1990, identified Bob Rosner as an anti-smoking advocate. (Tab 55)

In his capacity as Director of the Seattle, Washington-based Smoking Policy Institute, Rosner has been working eight years to get companies to start up smoking policies, and he has heard just about every excuse for not doing it.

Eight years would push Mr. Rosner's smoking policy work back to 1982.

In May 1990, the Smoking Policy Institute released statistics concerning how many companies restrict smoking and of that number how many ban it totally. According to those figures, 60% of the companies restrict smoking; 24% of those ban it from the work place entirely. "Burning Issue at Work; Firms' Rules Put Smokers Under Fire," USA Today, May 1, 1990, at 1B. (Tab 57)

In June 1990 when the Environmental Protection Agency released its draft report on second hand smoke, Robert Rosner of the Smoking Policy Institute was identified as one of the chief authors of the report and a Seattle consultant on nonsmoking policies. Rosner was quoted as saying, "The most important thing is that there are not just health concerns but a variety of issues" surrounding second hand smoke. Rosner identified safety concerns

2022875179

and employee morale as well. "Keep Smokers and Nonsmokers Apart," The Seattle Times, June 25, 1990, at A-1. (Tab 59)

In August 1990, Jennifer Stock of the Smoking Policy Institute referred to the numerous reports on tobacco issued by Surgeon General C. Everett Koop.

"It gave non-smokers the equivalent of a heavy duty fire extinguisher. Many took the news to their unions and demanded a smoke-free work place," says Stock of the Smoking Policy Institute.

"It gave them (non-smokers) the courage to take a position," she says. "It's something that everybody knew, but this gave them something to refer to."

"Don't Light Up Near Me," Gannett News Service, August 2, 1990.
(Tab 62)

Since the first of August, Robert Rosner and the Smoking Policy Institute have maintained a low profile in the media. No articles mentioning either since that time were found.

2022875180

**TABLE OF
CONTENTS**

2022875181

SMOKING POLICY INSTITUTE
INDEX

<u>Incorporation Materials</u>	<u>Tab</u>
Articles of Incorporation, Aug. 13, 1986.	1
Annual Reports (1987-1990)	2
Application for Status as a Public Benefit Nonprofit Corporation	3
 <u>Articles/Reports Authored by Smoking Policy Institute</u>	
Martin, Fehrenbach and Rosner, "Ban on Smoking in Industry," 315 <u>New Eng. J. of Med.</u> , 647 (Sept. 4, 1986).	4
Rosner, "Subsidizing Smokers -- Something to Burn Over," <u>Los Angeles Times</u> , Nov. 17, 1988, at 7, Col. 3.	5
 <u>News Reports/Broadcasts</u>	
"Health Group Bans Smoking," The United Press International, Apr. 26, 1984.	6
"For Your Information," PR Newswire, Nov. 14, 1984.	7
"2 Burning Questions: Who Tells Smokers to Put It Out?," <u>The Washington Post</u> , July 28, 1985, at D1.	8
"Business Notes," <u>The New York Times</u> , Sept. 29, 1985, at 12, Col. 5.	9
"Nonsmoking Business Can Mean Money in Bank, Conference Told," <u>The Washington Post</u> , Oct. 6, 1985, at B3.	10
"Where There's Smoke in the Office, There's Fire," <u>Washington Business Journal</u> , at 1, Mar. 31, 1986, 4:46.	11
"Workplace Smoking Ban Works, Researchers Say," United Press International, Sept. 3, 1986.	12
"Banning Smoking in Workplace Helps Smokers Quit But They Don't Quit Their Jobs, Researcher Finds," Business Wire, Sept. 3, 1986.	13
"Doctor Says Hospitals Should Ban Smoking," The Associated Press, Sept. 3, 1986.	14

2022875182

"Doctor Urges Hospitals to Ban Smoking," The Associated Press, Sept. 4, 1986.	15
"South Africa: Confronting Apartheid," The MacNeil/Lehrer NewsHour, Sept. 9, 1986.	16
"The Drive to Kick Smoking at Work," <u>Fortune</u> , Sept. 15, 1986, at 42.	17
"The Smoking Lamp is Definitely Not Lit; Firms in Northwest lead Nation in Imposing Total Ban on Lighting Up in the Workplace," <u>Los Angeles Times</u> , Oct. 12, 1986, at 1, Col. 1.	18
"Fallout; Second-Hand Smoke," The MacNeil/Lehrer NewsHour, Nov. 14, 1986.	19
"WARNING: In More and More Places, Smoking Causes Fines," <u>Business Week</u> , Dec. 29, 1986, at 40.	20
"Appeals Court Rules Nonsmokers May Sue Employers for Negligence," <u>Daily Lab. Rep.</u> (BNA), at A-3 (Jan. 8, 1987.	21
"Nonsmokers May Sue Employers, Appeals Court Precedent Rules," Government Employee Relations Report, Jan. 12, 1987, Vol. 25 at 46.	22
"Mounting Drive on Smoking Stirs Tensions in Workplace," <u>The New York Times</u> , Feb. 20, 1987, at 1, Col. 1.	23
"WARNING: No Smoking in the Office Anymore," <u>Business First-Buffalo</u> , Mar. 16, 1987 at 19.	24
"Washington State Supreme Court Will Review Secondhand Smoke Case," 63 <u>Daily Lab. Rep.</u> , (BNA), at A-1 (Apr. 3, 1987).	25
"Cry, The Embattled Smoker; Fume and Gloom as Activists Invade Tobacco Road," <u>The Washington Post</u> , Apr. 3, 1987, at B-1.	26
"Is Smoking in Public on its Last Gasps; Tempers Flare as Anti-Cigarette Forces Wage an All-Out War," <u>Los Angeles Times</u> , Apr. 18, 1987, at 4, Col. 1.	27
"Thou Shalt Not Smoke; Companies Restrict the Use of Tobacco in the Workplace," <u>Time</u> , May 18, 1987, at 58.	28

2022875183

"For Travelers, The Breathing is Easiest in First Class," <u>Los Angeles Times</u> , Aug. 2, 1987, at 7, Col. 2.	29
"A Last Gasp for Smokers on Airliners?" <u>Los Angeles Times</u> , Aug. 2, 1987, at 1, Col. 1.	30
"The New Pariahs; Drinking Drivers, Smokers and Swingers Targeted in Sudden Turnaround of Attitudes," <u>Los Angeles Times</u> , Aug. 10, 1987, at 1, Col. 1.	31
"New Study Says Federal Agencies Smoking Policies Inadequate," The Associated Press, Oct. 15, 1987.	32
"Koop Pleased at Progress in Cutting Federal Workplace Smoking," The Associated Press, Oct. 15, 1987.	33
"There's No Smoke, Little Ire for Skokie's Police Recruits," <u>Chicago Tribune</u> , Nov. 8, 1987, at 1.	34
"Majority of Companies Have Smoking Policies," United Press International, Nov. 17, 1987.	35
"Smokers Hide and Drag Harder as Society Makes Them Outcasts," <u>The New York Times</u> , Nov. 19, 1987, at 20, Col. 1.	36
"Workplace Smoke Lightening Up as Fewer Light Up," <u>The Christian Science Monitor</u> , Dec. 11, 1987, at 13.	37
"Where There's Smoke, There's Ire; After Years on the Defensive, Smokers Fight Back," <u>Los Angeles Times</u> , Jan 14, 1988, at 4, Col. 1.	38
"Smoking & Drug Policies; Whose Rights?" <u>Industry Week</u> , Feb. 1, 1988, at 39.	39
"Taking on Big Tobacco in Dixie," <u>U.S. News & World Report</u> , Feb. 8, 1988, at 20.	40
"The Ten Healthiest Cities in America," <u>Family Media</u> , Mar. 1988, Vol. 20 at 31.	41
"All Fired Up Over Smoking; New Laws and Attitudes Spark a War," <u>Time</u> , Apr. 18, 1988, at 64.	42
"Smoking Becomes 'Deviant Behavior,'" <u>The New York Times</u> , Apr. 24, 1988, at 1, Col. 1.	43
"Weeding Smokers Out of the Workplace," UMI/Data Courier, May 23, 1988, Vol. 83 at 1.	44

2022875184

"Court Ruling Heats Up Smoking War," <u>Chicago Tribune</u> , June 15, 1988 at 1.	45
"Enron," United Press International, Oct. 12, 1988.	46
"Seattle Smoking Foe Cited by Koop," The Associated Press, Nov. 30, 1988.	47
"Pentagon Probe; Iran-Contra Case; Kids and Smoking," The MacNeil/Lehrer NewsHour, Jan. 6, 1989.	48
"Like Converted Sinners, Ex-Smokers Take Up Preaching When They Have Gone Over . . .," Gannett News Service, Jan. 10, 1989.	49
"Preaching, Not Puffing; Born-Again Quitters Seek 'Converts'; But Smokers Still Resist the Message," <u>USA Today</u> , Jan. 11, 1989, at 1D.	50
"Smoking; Anti-Smoking Group Knows How to Clear the Air," United Press International, Jan. 11, 1989.	51
"Reduced Medical Plan Rates Offered to Smokefree Employers of Non-Smokers," 17 <u>Pen. Rep.</u> (BNA) No. 9, at 378 (Feb. 26, 1990).	52
"Insurance Carrier Cuts Losses on High-Risk Clients," <u>The Seattle Times</u> , Mar. 5, 1990, at D2.	53
"The Executive Life; Humiliating Times for a Boss Who Smokes," <u>The New York Times</u> , Mar. 18, 1990, at 25, Col. 1.	54
"Insurer Offers Discounts to Non-Smoking Groups," <u>Employee Benefit News</u> , Apr. 1990, at 14.	55
"Smokers: An Endangered Species," Gannett News Service, Apr. 30, 1990.	56
"Burning Issue at Work; Firms' Rules Put Smokers Under Fire," <u>USA Today</u> , May 1, 1990, at 1B.	57
"Since 1986, When the Surgeon General Cited . . .," Gannett News Service, May 1, 1990.	58
"EPA: Keep Smokers Nonsmokers Apart," <u>The Seattle Times</u> , June 25, 1990, at A1.	59
"More and More Firms Adopt Smoking Policies," <u>USA Today</u> , June 26, 1990.	60

2022875185

"Where There's Smoke You May be Fired -- or at Least Not Hired," <u>Chicago Tribune</u> , July 16, 1990, at 8.	61
"Don't Light Up Near Me!" Gannett News Service, Aug. 2, 1990.	62
"Tobacco Profits Still a Picture of Health," <u>Chicago Tribune</u> , Aug. 13, 1990, at 1.	63

2022875187



STATE of WASHINGTON SECRETARY of STATE

I, **Ralph Munro**, Secretary of State of the State of Washington and custodian of its seal,
hereby issue this

CERTIFICATE OF INCORPORATION

to

SMOKING POLICY INSTITUTE

a Washington **Non Profit** corporation. Articles of Incorporation were
filed for record in this office on the date indicated below.

Corporation Number: **2-376890-6**

Date: **August 13, 1986**

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Given under my hand and the seal of the State
of Washington, at Olympia, the State Capitol.

Ralph Munro, Secretary of State

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SECRETARY OF STATE
STATE OF WASHINGTON

ARTICLES OF INCORPORATION
OF
SMOKING POLICY INSTITUTE

WE, THE UNDERSIGNED, natural persons over the age of twenty-one years and citizens of the United States, acting as incorporators of a corporation under the provisions of the Washington Non-Profit Corporation Act, and acting in the firm conviction of the present and ultimate value and the urgent and continuing necessity for the conduct of nonpartisan analysis, study and research concerning the use of tobacco products in public, with special emphasis on the health, cost and legal implications of smoking in public and private workplaces within the United States and throughout the rest of the world; and for the purpose of properly establishing an organization for the accomplishment of the instruction and training of the individual and of the public on subjects pertaining to or arising out of the public use of tobacco products, all in a manner which would be useful to the individual and beneficial to the community; and for the purpose of providing and presenting a full and fair exposition of the pertinent facts surrounding the use of tobacco products in a manner which will permit an individual or the public to form an independent opinion or conclusion concerning the use of tobacco products, and in particular the use of tobacco products within private and public

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Page One

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workplaces in the United States and abroad; and for the purpose of providing and presenting public discussion groups, forums, panels, lectures and similar programs, including radio or television programs, to enhance the public discussion, education and awareness of legal information about the rights of smokers and non-smokers, the most effective steps for developing corporate or company smoking policies, the relative costs of various options, and objective research concerning the case histories of corporate policy implementations, do therefore and hereby adopt the following Articles of Incorporation for such corporation under the laws of the State of Washington as set forth in Title 24 of the Revised Code of Washington, to take effect upon certification by the Secretary of State of the State of Washington.

ARTICLE I.

The name of the corporation shall be the SMOKING POLICY INSTITUTE.

ARTICLE II.

The duration of the corporation shall be perpetual.

ARTICLE III.

The purposes and objectives for which the corporation is formed are essentially to engage in nonpartisan analysis, study and research concerning the use of tobacco products in public, with particular emphasis on the use of tobacco products in private and public workplaces throughout the United States and the rest of the

world and to present the results thereof via public discussion groups, forums, panels, lectures and similar programs in a sufficiently full and fair exposition of the pertinent facts as to permit an individual or the public to form an independent opinion or conclusion. The officers of the corporation shall have the responsibility for planning and implementing an educational program to carry out the above and foregoing purposes.

ARTICLE IV.

The corporation shall not have or issue shares of stock. No dividends shall be paid and no part of the income of the corporation shall be distributed to its members, officers or trustees. The corporation shall have the following powers.

(1) To gather interested individuals, parties, public officers, organizations and groups who wish to lend their name, influence, abilities, services or time, either singularly or collectively, specifically or generically, or in combination thereof, to the works of this educational enterprise;

(2) To receive all gifts, devises, inheritances and donations from any and all donors who shall be known as patrons of this corporation;

(3) To purchase, take, receive, lease, take by gift, devise or bequest, or otherwise acquire, own, hold, improve, use and otherwise deal in and with real or personal property, or any interest therein, wherever situated.

(4) To sell, mortgage, lease, and otherwise dispose of all or any part of its property and assets.

(5) To have and exercise all necessary and lawful powers provided by statute (RCW 24.03.035) to effect any or all of the purposes for which the corporation is organized.

(6) No part of the net earnings of this corporation shall inure to the benefit of any member, director, officer or any private individual (except that reasonable compensation may be paid for services rendered to or for the corporation affecting one or more of its purposes), and no member, director, officer or any private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of the corporation. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

(7) The corporation shall not engage in any act of self-dealing as defined in Section 4941(d) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(8) The corporation shall not retain any excess business holdings as defined in Section 4943(c) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal

laws.

(9) The corporation shall not make any investments in such manner as to subject it to tax under Section 4944 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(10) The corporation shall not make any taxable expenditures as defined in Section 4945(d) of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(11) The corporation shall distribute its income for each taxable year at such time and in such manner as not to become subject to the tax on undistributed income imposed by Section 4942 of the Internal Revenue Code of 1954, or corresponding provisions of any subsequent federal tax laws.

(12) Notwithstanding any other provisions of this certificate, the corporation shall not conduct or carry on any activities not permitted to be conducted or carried on by an organization exempt under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended, or by an organization, contributions to which are deductible under Section 170(c)(2) of such captial Code and Regulations as they now exist or as they may hereafter be amended.

ARTICLE V.

The corporation shall have as its registered agent TIMOTHY J. LOWENBERG, with its registered office at 950 Fawcett Avenue

South, Suite 211, Tacoma, Washington 98402, who shall be so designated by a duly adopted resolution of the Board of Directors. A verified statement of such designation executed by the Secretary of the Board of Directors certifying the resolution as true shall be filed with the Secretary of State following the initial meeting of the Board of Directors. The registered office address, which is also the address of the registered agent is: 950 Fawcett Avenue South, Suite 211, Tacoma, Washington 98402. The mailing address is: P.O. Box 20271, Seattle, Washington 98102.

ARTICLE VI.

The incorporators and original Directors named in Articles XVI and XVII infra. shall constitute the members of this corporation and shall be a body politic with perpetual succession. On or after the filing of the Articles of Incorporation of this corporation with the Washington Secretary of State, the members of this corporation may, from time to time, add to the present numbers of members of this corporation by appointing and electing additional members and they may likewise provide by the Bylaws of this corporation the term of office and the manner of appointment and election of the present members and the additional members contemplated to be appointed as above provided, and their successors in office, and the said members, to wit; the present members and their successors in office, and the additional members appointed from time to time, and their successors in office, shall be a body corporate

and politic with perpetual succession.

ARTICLE VII.

This corporation shall issue no stock, common or preferred. All of the income, revenue, earnings and assets of this corporation shall be used, expended and applied, but not accumulated, in the absolute discretion of the Board of Directors, to pursue, maintain and carry on the declared objects and purposes of the corporation without profit or proprietary interest, directly or indirectly, to any corporate director, officer, employee or contributor.

ARTICLE VIII.

In the event of the dissolution of this corporation or the winding up of its affairs, the assets of the corporation shall be distributed exclusively to charitable, benevolent, eleemosynary, educational, religious, scientific or cultural organizations which would then qualify as tax exempt organizations under Section 501(c)(3) of the Internal Revenue Code and its Regulations as they now exist or as they may hereafter be amended. In the event of the inability of the Board of Directors to designate a qualified charitable recipient or recipients to receive the residual assets of this corporation, then the qualified tax exempt recipient or recipients shall be determined by the Judge of The Superior Court of Pierce County, Washington, presiding at the time of dissolution, after first giving notice to all current members of the Board of Directors.

ARTICLE IX.

Any officer elected or appointed may be removed by the persons authorized to elect or appoint such officer whenever in their judgment the best interest of the corporation will be served thereby. The removal of any officer shall be without prejudice to the contract rights, if any, of the officer so removed. Election or appointment of an officer or agent shall not of itself create contract rights.

ARTICLE X.

The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, Board of Directors and committees having any of the authority of the Board of Directors; and shall keep at its registered office or principal office in this state a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member, or his or her agent or attorney, for any proper purpose at any reasonable time.

ARTICLE XI.

No loans shall be made by the corporation to its Directors or officers. The Directors of the corporation who vote for the making or a loan to a Director or officer of the corporation, and any officer or officers participating in the making of such a loan, shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof, plus any con-

sequential damages and attorneys fees incurred therein.

ARTICLE XII.

The corporation may conduct activities which substantially further its purposes and raise and maintain funds for its purposes.

ARTICLE XIII.

The management of the corporation will be vested in a board of seven (7) Directors and the duties, powers qualifications, terms of office, manner of election, and time and place of meeting shall be such as are prescribed by the Bylaws.

ARTICLE XIV.

The authority to make or amend Bylaws for the corporation is hereby vested in the seven (7) Directors of this corporation subject to the approval and ratification of a majority of the membership present at any regular or special meeting.

ARTICLE XV.

The corporation reserves the right to amend, alter, change or repeal any provision contained in these Articles of Incorporation in the manner now or hereafter prescribed by statute, and all rights conferred upon the members of the corporation herein are granted subject to this reservation.

ARTICLE XVI.

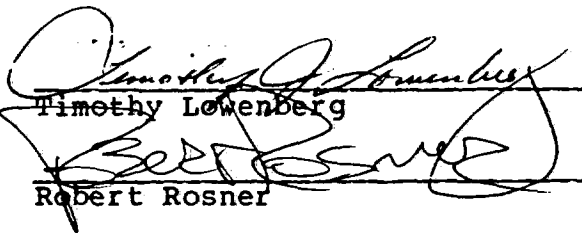
The names and addresses of the seven (7) Directors who will

first manage the affairs of the corporation for a period of not to exceed one year from the date of these Articles of Incorporation are as follows: William Weis, 100 Ward Street, #103, Seattle, Washington 98102; Robert Rosner, 1406 N.E. 70th, Seattle, Washington 98115; Timothy Lowenberg, 6101 Woodlake Drive, W., Tacoma, Washington 98467; Sue Eastman, 300 Elliott Avenue, #420, Seattle, Washington 98119; Ed Magee, M.D., 2975 Frisco Hill Road, Imperial, Missouri 63052; Kumi Kilburn, 10622 N.E. 46th, Kirkland, Washington 98033; and Len Beil, P.O. Box 204, Indianola, Washington 98342.

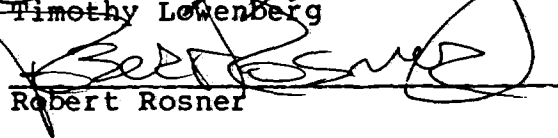
ARTICLE XVII.

The names and addresses of the incorporators of this non-profit corporation are as follows: Timothy Lowenberg, 950 Fawcett Avenue S., Suite 211, Tacoma, Washington 98402 and Robert Rosner, 1406 N.E. 70th, Seattle, Washington 98115.

IN WITNESS WHEREOF, the incorporators have hereunto set their hands this 13th day of August, 1986.


Timothy Lowenberg

August 13, 1986
Date:


Robert Rosner

AUGUST 13 1986
Date:

CONSENT TO SERVE AS REGISTERED AGENT

I, TIMOTHY J. LOWENBERG, do hereby consent to serve as registered agent for The Smoking Policy Institute.

I understand that as Agent for the above corporation, it will be my responsibility to receive Service of Process in the

name of the corporation; to forward all renewals and other mail to the appropriate officers of the corporation; and to notify the office of the secretary of state upon my resignation or of any changes in the Registered office address of the corporation for which I am Agent.

Aug. 13, 1986
August 13, 1986


Timothy Lowenberg

950 Fawcett Avenue South
Suite 211
Tacoma, Washington 98402

2022875200



STATE of WASHINGTON SECRETARY of STATE

I, **Ralph Munro**, Secretary of State of the State of Washington and custodian of its seal,

hereby issue this

CERTIFICATE OF REINSTATEMENT

to

SMOKING POLICY INSTITUTE

a **Washington Non Profit** corporation.
An application for Reinstatement was approved and filed for record in this office as of the date indicated below. Reinstatement reaches back and takes effect as of the date of administrative dissolution or revocation of the certificate of authority to conduct affairs in Washington shown on our records as:

May 10, 1988

Corporation Number: **600 638 383**

Date: **February 21, 1989**

Given under my hand and the seal of the State
of Washington, at Olympia, the State Capitol.

Ralph Munro, Secretary of State

C. Heinbaugh

Office of Secretary of State
State of Washington

01987 FEB 28 89

FILED

CH FEB 21 1989

APPLICATION OF DOMESTIC NON PROFIT CORPORATION
FOR REINSTATEMENT

SECRETARY OF STATE
STATE OF WASHINGTON

1. The corporate name at the time of dissolution was:

SMOKING POLICY INSTITUTE

2. The effective date of its Administrative Dissolution was:
MAY 10TH, 19 88.

3. The name of the corporation shall be changed to: _____

(To be completed in the event name on Line 1 is unavailable.)

4. The name of the corporation's Registered Agent residing in the
State of Washington is: Timothy J. Lowenberg

5. The corporation's Registered Office address (which must be
identical to that of the Registered Agent) in Washington is:

Suite 211, 950 Fawcett Avenue South

Tacoma, WA 98402

6. The post office box, if any, to be used in conjunction with,
and located in the same city as, the Registered Office address
above is: N/A

7. The following is an explanation to show that the grounds for
Administrative Dissolution either did not exist or have been
eliminated: [Check or complete applicable statement(s).]

☒ The Annual Report(s) [list(s) of officers & directors]
~~has~~/have been completed and ~~is~~/are hereby submitted for
filing together with the appropriate fee(s).

☒ The Registered Agent and Registered Office address in
Washington have been designated herein.

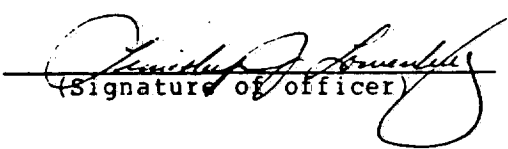
☐ Other:

COMPLETE FOLLOWING PAGE

2022875202

This document is hereby executed under penalties of perjury, and is, to the best of my knowledge, true and correct.

February 8, 1988
(Date)

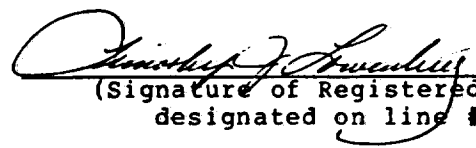

(Signature of officer)

Secretary
(Title)

CONSENT TO APPOINTMENT AS REGISTERED AGENT

I hereby consent to serve as Registered Agent. I will accept and forward mail and Service of Process to the corporation. I will notify the Office of the Secretary of State of my resignation as Agent or of any change of address for the Registered Office.

February 8, 1989
(Date)


(Signature of Registered Agent
designated on line #4)

FILING FEES:	Application for reinstatement	\$25.00
	Annual Report fee(s) for the period of dissolution including the reinstatement year	\$ 5.00 per year

DELINQUENCY NOTICE

00263 MAY 12 89

AS OUTLINED IN RCW 24.03.002, NON-PROFIT CORPORATIONS FAILING TO FILE AN ANNUAL REPORT SHALL LOSE THEIR CORPORATE STATUS

3/21/88 DELINQUENCY NOTICE

NON-PROFIT CORPORATION ANNUAL REPORT

MUST BE FILED BY 5/10/88

CORPORATION #	TRANS	STATE OF INC
2-376890-6	LOF	WA

FILING FEE \$5.00

RECEIVED
APR 04 1988
SCHWILLEN LOWENBERG
AND LOBY

STATE OF WASHINGTON HALL OF RECORDS, SECRETARY OF STATE 505 EAST UNION AVENUE (PM-21) OLYMPIA, WA. 98504		
AMOUNT REC'D	DATE RECEIVED	BY
5.00	5-11-88	RYR

CORPORATION NAME
SMOKING POLICY INSTITUTE
X TIMOTHY J LOWENBERG
SUITE 211
950 FAWCETT AVE
TACOMA WA 98402

NAME OF REGISTERED AGENT IN STATE OF WASHINGTON

TIMOTHY J LOWENBERG

REGISTERED OFFICE ADDRESS IN STATE OF WASHINGTON

X TIMOTHY J LOWENBERG
SUITE 211
950 FAWCETT AVE
TACOMA WA 98402

OUR RECORDS INDICATE THIS FIRM'S ANNUAL REPORT HAS NOT BEEN FILED FAILURE TO COMPLETE THIS FILING BY THE DATE SHOWN ABOVE WILL RESULT IN ADMINISTRATIVE DISSOLUTION OF THE CORPORATION OR REVOCATION OF ITS CERTIFICATE OF AUTHORITY

IF THERE HAS BEEN A CHANGE IN THE REGISTERED AGENT OR REGISTERED OFFICE ADDRESS PRINTED ABOVE, PLEASE INDICATE THE PROPER NAME, ADDRESS ABOVE AND COMPLETE THE FOLLOWING STATEMENTS

THE CORPORATION HAS NOT
BEEN RE-REGISTERED IN THE
STATE OF WASHINGTON
SINCE THE LAST FILING
DATE LISTED AS INC.

IS A REGISTERED AGENT (NAME)

THE CORPORATION HAS
NOT BEEN RE-REGISTERED
IN THE STATE OF WASHINGTON
SINCE THE LAST FILING
DATE LISTED AS INC.

P.O. BOX IS NOT ACCEPTABLE UNLESS SHOWN WITH A REGISTERED OFFICE STREET ADDRESS IN SAME CITY.

ANNUAL REPORT		FILL IN ALL SPACES		PLEASE TYPE OR PRINT LEGIBLY																																																			
ADDRESS OF THE FIRM (OR PRINCIPAL OFFICE OR HEADQUARTERS) (P.O. BOXES NOT ACCEPTABLE)		914 East Jefferson, Seattle, WA 98102																																																					
FOR EACH CORPORATION, ONE ADDRESS OF PRINCIPAL OFFICE IN STATE OF WASHINGTON OR OUTSIDE OF STATE OF WASHINGTON																																																							
BRIEFLY STATE NATURE OF THE BUSINESS WHICH THE CORPORATION IS CONDUCTING IN WASHINGTON		analysis, study and research re: smoking in the workplace																																																					
NAMES AND ADDRESSES OF OFFICERS AND DIRECTORS OF THE CORPORATION		<table> <tr> <td>PRESIDENT</td> <td>STREET</td> <td>CITY</td> <td>STATE</td> <td>ZIP CODE</td> </tr> <tr> <td>Leonard D. Beil, P.O. Box 204, Indianola, WA</td> <td></td> <td>98342</td> <td></td> <td></td> </tr> <tr> <td>VICE-PRESIDENT</td> <td>STREET</td> <td>CITY</td> <td>STATE</td> <td>ZIP CODE</td> </tr> <tr> <td>Vacant due to death of incumbent</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>SECRETARY</td> <td>STREET</td> <td>CITY</td> <td>STATE</td> <td>ZIP CODE</td> </tr> <tr> <td>Timothy J. Lowenberg, Suite 211, 950 Fawcett Ave. So, Tacoma, WA</td> <td></td> <td>98402</td> <td></td> <td></td> </tr> <tr> <td>TREASURER</td> <td>STREET</td> <td>CITY</td> <td>STATE</td> <td>ZIP CODE</td> </tr> <tr> <td>William L. Weis, 100 Ward St #103, Seattle, WA</td> <td></td> <td>98102</td> <td></td> <td></td> </tr> <tr> <td>DIRECTORS</td> <td>STREET</td> <td>CITY</td> <td>STATE</td> <td>ZIP CODE</td> </tr> <tr> <td>G. Kumi Kilburn, 10622 N.E. 46th, Kirkland, WA</td> <td></td> <td>98033</td> <td></td> <td></td> </tr> </table>				PRESIDENT	STREET	CITY	STATE	ZIP CODE	Leonard D. Beil, P.O. Box 204, Indianola, WA		98342			VICE-PRESIDENT	STREET	CITY	STATE	ZIP CODE	Vacant due to death of incumbent					SECRETARY	STREET	CITY	STATE	ZIP CODE	Timothy J. Lowenberg, Suite 211, 950 Fawcett Ave. So, Tacoma, WA		98402			TREASURER	STREET	CITY	STATE	ZIP CODE	William L. Weis, 100 Ward St #103, Seattle, WA		98102			DIRECTORS	STREET	CITY	STATE	ZIP CODE	G. Kumi Kilburn, 10622 N.E. 46th, Kirkland, WA		98033		
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G. Kumi Kilburn, 10622 N.E. 46th, Kirkland, WA		98033																																																					
SIGNATURE OF THE PRESIDENT OR SECRETARY OF THE CORPORATION		<p>(ATTACH ADDITIONAL SHEET IF NECESSARY)</p> <p>TITLE DATE</p> <p>X Timothy J. Lowenberg, Secretary 5/9/89</p>																																																					

FILING FEE \$5.00

DO NOT SEND CASH

MAKE CHECKS PAYABLE TO STATE OF WASHINGTON



STATE of WASHINGTON SECRETARY of STATE

CORPORATE NAME:

SMOKING POLICY INSTITUTE
Z TIMOTHY J LOWENBERG
SUITE 211
950 FAWCETT AVE
TACOMA WA 98402

CORPORATION NUMBER 23768906

CERTIFICATE OF ADMINISTRATIVE DISSOLUTION

IN ACCORDANCE WITH R.C.W. 24.03.302, THE ABOVE CORPORATION IS HEREBY
ADMINISTRATIVELY DISSOLVED AS OF 5/10/88.

THIS ACTION WAS TAKEN DUE TO THE FAILURE OF THE CORPORATION TO FILE AN
ANNUAL LIST OF OFFICERS/LICENSE RENEWAL WITHIN THE TIME SET FORTH BY LAW.

REINSTATED FEB 21 1989

A copy of this Certificate is on file in this office.



Given under my hand and the seal of the State
of Washington, at Olympia, the State Capitol.

Ralph Munro

Ralph Munro, Secretary of State

2022875205

AS OUTLINED IN RCW 24.03.302, NON-PROFIT CORPORATIONS FAILING TO FILE AN ANNUAL REPORT SHALL BE ADMINISTRATIVELY DISSOLVED

NON PROFIT CORPORATION ANNUAL REPORT

MUST BE FILED BETWEEN JAN 1 AND MARCH 1, 1987

00407 JAN 23 87

CORPORATION # TRANS STATE OF INC

2-376690-6

LOF

MA

FILING FEE \$5.00

STATE OF WASHINGTON
RALPH MARO, SECRETARY OF STATE
805 EAST UNION (PM-21)
OLYMPIA, WA. 98504

AMOUNT RECD DATE RECEIVED NY

5.00 1-20-87 JK

CORPORATION NAME
SMOKING POLICY INSTITUTE

X TIMOTHY J LOWENBERG
SUITE 211
950 FANCETT AVE
TACOMA WA 98402

* NAME OF REGISTERED AGENT IN STATE OF WASHINGTON

TIMOTHY J LOWENBERG

* REGISTERED OFFICE ADDRESS IN STATE OF WASHINGTON

X TIMOTHY J LOWENBERG
SUITE 211
950 FANCETT AVE
TACOMA

RECEIVED
NOV 23 1986
SCHWENKER LOWENBERG
AND ASSOCIATES

* JAN ANNUAL REPORT MUST BE FILED EVERY YEAR BEFORE MARCH 1ST.

IF THERE HAS BEEN A CHANGE IN THE REGISTERED AGENT OR REGISTERED OFFICE ADDRESS PRINTED ABOVE, PLEASE INDICATE THE PROPER NAME/ADDRESS ABOVE AND COMPLETE THE FOLLOWING STATEMENTS

THE CHANGES ABOVE INDICATED
BY DUTY APPOINTED REPRESENTATIVE
OF THE BOARD OF DIRECTORS
TABLE EFFECT AS OF
NEW REGISTERED OFFICE ADDRESS

NEW REGISTERED AGENT NAME(S)

CHANGES OF NEW
REGISTERED AGENT
PREVIOUSLY ACCEPTABLE
FOR THE CORPORATION X

A POSTOFFICE BOX IS NOT ACCEPTABLE UNLESS SHOWN WITH THE PHYSICAL LOCATION IN THE SAME CITY.

ANNUAL REPORT FILL IN ALL SPACES PLEASE TYPE OR PRINT LEGIBLY

ADDRESS OF PRINCIPAL PLACE
OF BUSINESS IN WASHINGTON
(IF NONE, WRITE NONE)

914 EAST JEFFERSON SEATTLE WA 98122

FOREIGN CORPORATIONS

GIVE ADDRESS OF PRINCIPAL OFFICE IN
STATE OR COUNTRY OF INCORPORATION

BRIEFLY STATE NATURE OF THE
BUSINESS WHICH THE CORPORATION
IS CONDUCTING IN WASHINGTON

RESEARCH AND EDUCATIONAL

NAMES AND ADDRESSES OF

OFFICERS AND DIRECTORS OF
THE CORPORATION

	STREET	CITY	STATE	ZIP CODE
PRESIDENT LEN BOIL	P.O. Box 204	INDIANOLA	WA	98342
VICE PRESIDENT	STREET	CITY	STATE	ZIP CODE
WARREN MCPHERSON	4305 FOREST AVE SE	MERRE ISLAND	WA	98040
SECRETARY TIMOTHY LOWENBERG	6101 WOODLAKE DR. W	TACOMA	WA	98467
TREASURER	STREET	CITY	STATE	ZIP CODE
KAMI KILBURN	10622 NE 46th	KIRKLAND	WA	98033
ATTORNEY	STREET	CITY	STATE	ZIP CODE
Sue Eastman	1406 NE 70th	SEATTLE	WA	98115
HUBERT SLACK	14 Lopez Keys	Bellvue	WA	98006
William Weiss	100 WARD STREET, #105	SEATTLE	WA	98109

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SIGNATURE AND TITLE OF
PRESIDENT OR VICE PRESIDENT
(OR SECRETARY OR TREASURER)

X T. J. Lowenberg

TITLE

DATE

FILING FEE \$5.00

MAKE CHECKS PAYABLE TO STATE OF WASHINGTON.

DO NOT SEND CASH.

2022875206

SECRETARY
of STATE



NONPROFIT CORPORATION ANNUAL REPORT

Filing Fee -- \$5.00

RETURN TO: CORPORATIONS DIVISION
505 E. UNION
PAI-21
OLYMPIA, WA 98504-0419

TRANS LOF	AMOUNT RECEIVED 5.00	DATE RECEIVED 3-5-90	BY [Signature]
--------------	-------------------------	-------------------------	-------------------

NAME OF REGISTERED AGENT:
JENNIFER PEPINO

CORPORATION ACCOUNT #: 8-376890-6

UNIFIED BUSINESS IDENTIFIER #: 800 838 383

CORPORATION NAME AND REGISTERED OFFICE ADDRESS:

STATE OF INCORPORATION: WA

SMOKING POLICY INSTITUTE
218 BROADWAY EAST
SEATTLE WA 98102

Date of incorporation: 08/13/1986

ANNUAL REPORT MUST BE COMPLETED AND FILED BY MARCH 1st. FAILURE TO DO SO MAY RESULT IN DISSOLUTION/REVOCATION.
PLEASE COMPLETE ALL SECTIONS. PLEASE TYPE OR PRINT LEGIBLY.

SECTION ONE

If registered agent or address printed above has changed, complete this section. These actions must have been authorized by the Board of Directors.

NEW REGISTERED
OFFICE ADDRESS

NEW REGISTERED
AGENTS NAME Jennifer Stock

(A Post Office box alone cannot be accepted as a registered office address)

EFFECTIVE DATE January 6, 1990

NEW AGENTS SIGNATURE (X) Jennifer Stock

SECTION TWO

ADDRESS OF PRINCIPAL PLACE OF BUSINESS IN WASHINGTON 218 Broadway East, Seattle, WA 98102

TELEPHONE NUMBER OF CORPORATION (206) 324 4444

ADDRESS OF FOREIGN CORPORATION'S
PRINCIPAL OFFICE WHEREVER LOCATED

List names and addresses of officers and directors. (If not applicable, write "N/A"). "Same" or "no change" will not be accepted.

	Name	Address	City	State	Zip
PRESIDENT	Len Beil	100 23rd Ave S	Seattle, WA	WA	98122
V. PRESIDENT	Kumi Kilburn	10622 NE 46th	Kirkland	WA	98033
SECRETARY	Ros Bond	5715 84th SE	Mercer Island	WA	98040
TREASURER	William Weis	Seattle University Albers School of Business	Seattle	WA	98122
DIRECTORS					
(Attach list, if needed)					

SECTION THREE

Briefly describe the affairs the corporation is conducting in the state of Washington. The Institute provides an education and

information resource for business employees and employers on the subject of environmental tobacco smoke and its impact in the workplace, and provides solutions to the problems.

Do the affairs listed above differ from those recorded with the Office of the Secretary of State? YES ☐ NO ☒

If you indicated "Yes", what is the nature of and the reason for the change?

(Corporation may be required to file an amendment to its articles of incorporation if changes are extensive)

SECTION FOUR

Is the corporation a non-stock, nonprofit corporation incorporated under Chapter 24.03 RCW? YES ☒ NO ☐ UNKNOWN ☐

If you indicated "No", you may skip to Section Five

Has the corporation filed an Internal Revenue Service Form 990 with the IRS? YES ☐ NO ☐

If you indicated "No", you may skip to Section Five

Date of most recent Form 990 filing _____, 19____ For the year ending _____, 19____

Total Revenue as reported on IRS Form 990, Part I, Line 12 (Enter "N/A" if nothing reported to the IRS) \$ _____

Unrelated Business Income as reported on IRS Form 990-T (Enter "N/A" if nothing reported to the IRS) \$ _____

SECTION FIVE

If there is no Unified Business Identifier (UBI) number in the space provided in the upper right-hand corner, please list your UBI or Department of Revenue number, if known

(X) G. Kumi Kilburn Vice President 3-1-90
Jennifer Stock Assistant Director 2-15-90

Document must be signed by an officer of the corporation. Under state law, an officer is designated as either President, Vice-President, Secretary or Treasurer. Make checks payable to Secretary of State and return to address listed above.

2022875207

2 3768906
LOF 5-12-89OCT 11 1989
SECRETARY OF STATE
STATE OF WASHINGTONSTATE OF WASHINGTON
Office of the Secretary of State
Corporations and Trademarks Division
Olympia, Wa. 98504RECEIVED
SECRETARY OF STATE
STATE OF WASHINGTONOCT 11 1989
CK 5.00
TR Boh AMT 5.00

STATEMENT OF CHANGE OF REGISTERED OFFICE, REGISTERED AGENT, OR BOTH

PROFIT CORPORATIONSFILING FEE: \$5.00

The undersigned submits the following statement to change the corporation's Registered Agent, Registered office address, or both. This statement is filed under RCW23A.08.100 or 23A.32.090 of the WASHINGTON BUSINESS CORPORATION ACT.

1. NAME OF CORPORATION: SMOKING POLICY INSTITUTE2. IF CHANGING REGISTERED AGENT:

- (a) Name of new or successor Registered Agent Jennifer Pepino
(b) Agent's Consent to Appointment (must be signed):

I, Jennifer Pepino, hereby consent to serve as Registered Agent, in the state of Washington, for the corporation named on Line 1. I understand that as agent for the corporation, it will be my responsibility to receive service of process in the name of the corporation; to forward all mail to the corporation; and to immediately notify the office of the Secretary of State in the event of my resignation or of any changes in the address of the registered office of the corporation for which I am agent.

October 3 1989
(date)

Jennifer Pepino
(signature of agent)

3. IF CHANGING REGISTERED OFFICE ADDRESS:

- (a) Address the registered office is to be changed to:

218 Broadway East 31 Seattle, WA 98102
(street and number, or rural route and number) (city, state, zip code)

(The registered office address must be identical to the business address of the registered agent and must be located in the state of Washington. A post office box may be used in conjunction with the street address. However, the post office box must be in the same zip code area as the registered office address.)

- (b) _____ Post office box to be used in conjunction with above Registered office address.

4. COMPLETE ONE OF THE FOLLOWING STATEMENTS:

- (a) The change(s) indicated above were authorized by resolution duly adopted by the Board of Directors and will become effective on October 3, 1989.
(b) The only change to be recorded is the relocation of the Registered Office, within the state of Washington. The Registered Agent notified the corporation of this address change on _____.

IN TESTIMONY WHEREOF, this statement is signed by the President or a Vice-President, the Secretary or the Treasurer of the corporation. (In the event the only change to be recorded is the relocation of the registered office, the Registered Agent is authorized to sign this form.)

October 9, 1989
(date)

G. Kumi Kilbura
(signature of officer)
1012 1989 0000 2223

Vice-President
(title)

ssf-8 (R7/82)

2022875208

1989

N PROFIT CORPORATION ANNUAL REPORT

01989 FEB 28 89

MUST BE FILED BETWEEN JAN 1 AND MARCH 1, 1989

STATE OF WASHINGTON

RALPH MUNRO, SECRETARY OF STATE
505 EAST UNION (PM 21)
OLYMPIA, WA 98504

URI	TRANS	STATE OF INC
600 638 383	LUF	WA

FILING FEE \$5.00

AMOUNT REC'D	DATE RECEIVED	RY
5.00	2-21-89	CH

RNP 5-88 CJ
CORPORATION NAME

SMOKING POLICY INSTITUTE

% TIMOTHY J LOWENBERG Lowenberg
SUITE 211
950 FAWCETT AVE
TACOMA, WA 98402CORP2 376890-61 Lof CH
NAME OF REGISTERED AGENT IN STATE OF WASHINGTON

TIMOTHY J LOWENBERG

REGISTERED OFFICE ADDRESS IN STATE OF WASHINGTON

SAME AS MAILING

Same

THE ANNUAL REPORT MUST BE COMPLETED AND FILED BEFORE MARCH 1ST.
CORPORATIONS FAILING TO FILE THE REPORT WITHIN TIME SPECIFIED SHALL BE DISSOLVED

COMPLETE IF REGISTERED AGENT OR ADDRESS PRINTED ABOVE HAS CHANGED—BELOW ACTIONS AUTHORIZED BY THE BOARD OF DIRECTORS

NEW REGISTERED OFFICE ADDRESS _____ NEW REGISTERED AGENT'S NAME _____

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TELEPHONE NUMBER OF CORPORATION (206) 324-4444

BRIEFLY STATE NATURE OF BUSINESS IN WA Analysis, study and research re: smoking in the workplace

LIST NAME AND RESPECTIVE ADDRESS OF CORPORATE OFFICERS AND DIRECTORS—COMPLETE EACH LINE OR WRITE NA IF NONAPPLICABLE

PRESIDENT	Leonard D. Beil	P.O. Box 204	Indianola	WA	98342
	NAME	STREET	CITY	STATE	ZIP CODE
VICE-PRESIDENT					
	NAME	STREET	CITY	STATE	ZIP CODE
SECRETARY	Timothy J. Lowenberg	Suite 211, 950 Fawcett Ave.,	Tacoma, WA		98402
	NAME	STREET	CITY	STATE	ZIP CODE
TREASURER	William L. Weis	100 Ward St #103	Seattle	WA	98102
	NAME	STREET	CITY	STATE	ZIP CODE
DIRECTORS	C. Kumi Kilburn	10622 N.E. 46th	Kirkland	WA	98033
	NAME	STREET	CITY	STATE	ZIP CODE
(Attach list of additional directors)	Ros Bond	7900 S.E. 28th	Mercer Island	WA	98040
	NAME	STREET	CITY	STATE	ZIP CODE
	Leonard D. Beil, Timothy J. Lowenberg and William L. Weis, see above				
	NAME	STREET	CITY	STATE	ZIP CODE

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(a)

(b)

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SIGNATURE OF OFFICER (Pres., V. Pres., Sec. or Treas.)

TITLE

DATE

February 8, 1989

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1988

NON PROFIT CORPORATION REINSTATEMENT REPORT

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VICE PRES Hubert R. Slack, 14 Lopez Key, Bellevue, WA 98006	
SECRETARY Timothy J. Lowenberg, Suite 211, 950 Fawcett Ave. So, Tacoma, WA 98402	
TREASURER William L. Wels, 100 Ward St #103, Seattle, WA 98102	
DIRECTORS G. Kumi Kilburn, 10622 N.E. 46th, Kirkland, WA 98033	
(Attach list of additional directors, if any)	
FOREIGN CORPORATIONS: -----	
Principal office address, wherever located:	State or country of incorporation:

Timothy J. Lowenberg Timothy J. Lowenberg, Secretary
Signature of officer (Pres., V.Pres., Sec., or Treas.)

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(1) Name of corporation: Smoking Policy Institute

(2) Unified Business Identifier (UBI) number or state Department of Revenue number: 600 638 383

(3) Is the corporation a non-stock, nonprofit corporation, incorporated under Chapter 24.03 RCW?

☒ YES

☐ NO

☐ UNKNOWN

(4) Please check the appropriate box regarding recognition by the Internal Revenue Service (IRS) as tax exempt under Section 501(c)(3):

☒ The corporation has received from the IRS a letter of determination of tax exempt status under Section 501(c)(3)

Date received: September 22, 1987

☐ The corporation is an entity that is not required to apply for tax exempt status under Section 501(c)(3)

Why is the corporation not required to apply for tax exempt status?

☐ Religious organization

☐ Other _____
(Please list)

☐ The corporation is in the process of applying for tax exempt status under Section 501(c)(3)

Date Form 1023 submitted to the IRS: _____

☐ The corporation is not recognized as tax exempt by the IRS

(5) Does the corporation wish to have the term "Public Benefit" affixed to its corporate name?

☐ YES

☒ NO

G. Kumi Kilbunn
(X) Jennifer Stock
SIGNATURE OF OFFICER

Vice President
Assistant Director
TITLE OF OFFICER

3-1-90

2-15-90

DATE FORM IS SIGNED

Document must be signed by an officer of the corporation. Under state law, an officer is designated as either President, Vice-President, Secretary or Treasurer.

(206). 324-4444

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BAN ON SMOKING IN INDUSTRY

To the Editor: Pacific Northwest Bell is a Seattle-based telephone company with over 15,000 employees. On July 15, 1985, its management announced that a new smoking policy would go into effect on October 15 of that year. The new policy was so straightforward that its essence was contained in one terse sentence: "To protect the health of Pacific Northwest Bell employees there will be no smoking in company facilities."

The ban on smoking has now been in effect for six months, and the results are impressive. Although the company initially received some complaints about the new policy, not a single employee has left because of it. Enforcement of the ban has not been a problem even though the company has over 800 offices in three states. There have been no lawsuits against the company, and the two unions that represent the workers have supported the measure. There are currently no plans to modify the ban in any way.

The results at this company will almost certainly encourage other large companies to consider such a ban. If widely adopted, these policies might have a dramatic effect on the nation's smoking habits. Theoretically, they would encourage people to quit smoking by increasing the social pressure against it and by restricting the time available for it. Although such an outcome has not yet been documented, the results at Pacific Northwest Bell have been encouraging. At the same time that it announced the smoking ban, the company also announced a program for reimbursing employees for participating in smoking-cessation programs. In the first six months of this program, 1044 employees requested reimbursement for the cost of cessation programs. On the basis of previous company surveys, this represents 25 percent of all company smokers. This contrasts sharply with the results of the company's previous efforts to encourage employees to participate in smoking-cessation programs. During the 26 months before the smoking ban was announced, employees had the opportunity to participate in cessation programs sponsored by the American Cancer Society. These programs, which were free and conducted during work hours, were poorly attended. During the entire 26-month period that they were offered, only 331 employees signed up for them.

If policies that ban smoking do encourage employees to quit, they promise handsome dividends to managers who are concerned with "the bottom line." Studies have consistently shown that employing smokers costs a company substantially more than employing non-smokers. Kristein¹ found that it costs an additional \$336 to \$601 per year to employ a smoker. Weis² reported that the cost can be as high as \$4,700.

Physicians should be particularly interested in the smoking policies of hospitals. Although the smoking restrictions in most hospitals involve only segregation of smokers or prohibition of the sale of cigarettes,³ two hospitals — the Public Health Service Indian Hospital on the Hopi Reservation⁴ and the Group Health Cooperative Hospital of Puget Sound⁵ — have shown that banning smoking in hospitals is possible. It is now time for all hospitals to consider such a ban. Smoking is the greatest cause of premature death and disability in the United States,⁶ and it would be ironic if health care institutions let the general business community take the lead in banning smoking in the work place.

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To the Editor: Recently, concern has been raised over the health implications of the increasing use of snuff, especially by children and adolescents.¹ Snuff contains amounts of carcinogenic nitrosamines that exceed by orders of magnitude the nitrosamine content of other consumer products.^{2,3}

I examined mortality statistics in the United States to determine whether there has been any rise in the rate of cancers of the mouth. The deaths from tongue cancer in white males from 1950 through 1982 were tabulated from the death-certificate tapes of the National Center for Health Statistics. Deaths from tongue cancer for three decades and for 1980 through 1982 are presented in Table 1, according to the ages of the decedents. Mean annual mortality (\pm SE) was calculated with use of data on the number of white males of the corresponding ages in the United States in the median year of each period, as obtained from Census estimates.

The mortality from tongue cancer for the 10-to-29 age group rose more than twofold during the period examined. This rise was statistically significant by a test for trend on a log-linear model ($P = 0.004$). Because of the low number of deaths from tongue cancer in that age group, it is difficult to estimate when the increase began, but graphic analysis⁴ indicated that it may have begun in about 1974. No increases were seen among older men; a change in the 30-to-34 age group in 1980 to 1982 was not statistically significant. The observed increase in mortality from tongue cancer is consistent with an increased use of snuff by children and adolescents. The latency period observed for the development of cancer will be shortest among the youngest group of patients.

The rates for cancer at other sites in the mouth were also examined, but no upward trend in mortality was observed in the same age groups. The other sites in the mouth that would be expected to be affected by snuff are the lips, cheeks, and gums. The gums and cheeks are often not listed separately on death certificates and probably are often classified as "mouth, not otherwise specified." Lip cancer predominantly affects the vermilion border, and most cases are associated with exposure to sunlight. Therefore, the fact that no increased rate was found in mouth subsites other than the tongue is not surprising. Cancer of the tongue has long been treated as a distinct entity in medical literature, and it is more likely to be correctly specified on death records.

These preliminary data emphasize the importance of close medical observation of young users of snuff. The use of this product by children and adolescents should be strongly discouraged. Cancer registries in areas in which there is a great deal of snuff use should observe the incidence of all forms of mouth cancer.

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Table 1. Mortality Rates from Tongue Cancer among White Males in the United States.

AGE GROUP	YEARS			
	1950-1959	1960-1969	1970-1979	1980-1982
<i>N</i>	mean (\pm SE) mortality $\times 10^4$ (no. of deaths)			
10-29	7.7 \pm 1.9 (16)	9.6 \pm 1.9 (26)	12.6 \pm 4.2 (43)	18.4 \pm 4.2 (19)
30-34	48 \pm 9 (26)	51 \pm 10 (25)	47 \pm 9 (29)	58 \pm 16 (14)
35-39	119 \pm 15 (62)	112 \pm 15 (59)	125 \pm 16 (63)	134 \pm 27 (25)

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EXTRACORPOREAL SHOCK-WAVE LITHOTRIPSY IN A PATIENT WITH MILD HEMOPHILIA

To the Editor: As Mulley states in his editorial (March 27 issue),¹ extracorporeal shock-wave lithotripsy is becoming the technique of choice for treatment of renoureteral lithiasis. Even though renal parenchymal damage occurs in all cases, renal subcapsular hematomas are the only major complications and can be treated conservatively.²⁻⁴

We recently treated a 68-year-old man for hypovolemic shock after extracorporeal shock-wave lithotripsy. He had a history of chronic obstructive pulmonary disease and laryngectomy for a benign vocal-cord tumor nine years before, with severe postoperative bleeding. He was seen for abdominal pain, lumbar hematoma, and weakness eight days after undergoing lithotripsy in another hospital because of lithiasis in the left renal pelvis. Preoperative study had been normal but did not include determination of the partial thromboplastin time; the procedure was carried out under epidural anesthesia and was unremarkable.⁵ The patient was discharged 72 hours later in spite of hematuria and abdominal pain, which were considered to be "normal" after lithotripsy. On the eighth day he came to our hospital because of progressive deterioration.

He presented with hypotension and oliguria, which were treated by transfusion and infusion of fluids. Abdominal radiologic and echographic study showed a large extracapsular perirenal hematoma with extension into the retroperitoneum. Conservative treatment was carried out, with improvement. Progressive reabsorption of the hematoma was observed. The partial thromboplastin time was 10 to 15 seconds over that of control, and factor VIII was 25 percent, suggesting hemophilia. During the hospital stay, he had nosocomial pneumonia with respiratory failure that necessitated mechanical ventilation, and a urinary tract infection. The patient was discharged 46 days later with normal renal function.

Since the work of Chaussy et al.,⁶ the indications for shock-wave lithotripsy have been expanded because of the low incidence of complications. In a recent series of 15 patients treated with lithotripsy, 4 (27 percent) had subcapsular hematomas that were detected by various techniques of renal imaging.⁷ Our case of extracapsular hematoma occurred in a patient with mild hemophilia not detected preoperatively. We believe that extracorporeal shock-wave lithotripsy must still be considered a major intervention.

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E.J. ALTED, J.A. CANTALAPIEDRA,
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IN VITRO AND IN VIVO RESULTS SUGGESTING THAT ANTI-SPOROZOITE ANTIBODIES DO NOT TOTALLY BLOCK *PLASMODIUM FALCIPARUM* SPOROZOITE INFECTIVITY

To the Editor: We have reported that a mouse monoclonal antibody directed against the circumsporozoite antigen and serum of mice immunized with recombinant and synthetic circumsporozoite peptides strongly inhibit the entry and development of *Plasmodium falciparum* sporozoites in hepatocyte culture.¹ Nevertheless, even though this inhibitory activity is often pronounced in culture, it is very rarely complete.

Since it can be argued that in vitro results are often of questionable relevance to an in vivo situation, we attempted to assess the extent of correlation between our in vitro results and observations made in patients in endemic areas. To examine this relationship, we collected serum from three persons living in three holoendemic areas in West Africa (Cameroon, Congo, and Mali). The samples had anti-sporozoite antibody titers that were the highest observed among samples from several hundred subjects studied thus far. The titers, directed against the sporozoite surface as determined by reactivity with "wet" preparations in indirect fluorescence assay,² ranged from 1:50,000 to 1:100,000, which is as high as or higher than corresponding titers of adults receiving as many as three infective bites per day (Druihe P, et al.: unpublished data) and approximately 10 times higher than titers of mice with a high response to artificial peptides with Freund's complete adjuvant.

The subjects' serum samples were tested for their ability to block entry and inhibit development of *P. falciparum* sporozoites in a human hepatocyte culture system^{3,4} and under the technical conditions described elsewhere.¹ Despite the high level of sporozoite surface-specific reactivity, the inhibitory activity of these samples in vitro was only 82 to 88 percent, indicating that 12 to 18 percent of the parasites in an inoculum were unaffected by the antibody.

The presence of *P. falciparum* ring forms in blood films of one of the subjects at the time that serum was obtained demonstrates that some sporozoites are able to evade the protective action of naturally acquired antibodies in vivo as well as in vitro, even when these antibodies are present at high levels. Therefore, these specific antibodies do not consistently protect against disease determined by invasion and multiplication of parasites in erythrocytes.

Antibodies elicited in humans by synthetic or recombinant peptides may be more effective than those produced in mice. Whether total protection will be achieved by vaccination with these preparations, in contrast to the incomplete protection observed under natural conditions of immunization, must await vaccine trials in humans. However, our results do suggest that an antigen or antigens specific to a single stage of the parasite may be inadequate as a vaccine designed for complete prophylaxis.

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AND M. DANIS, M.D.

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Groupe Hospitalier Pitié-Salpêtrière

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LEVEL 1 - 17 OF 55 STORIES

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November 17, 1988, Thursday, Home Edition

SECTION: Metro; Part 2; Page 7; Column 3; Op-Ed Desk

LENGTH: 740 words

HEADLINE: SUBSIDIZING SMOKERS -- SOMETHING TO BURN OVER

BYLINE: By ROBERT ROSNER, Robert Rosner is the executive director of the
Seattle-based Smoking Policy Institute.

BODY:

Newspapers are full, lately, of stories about tobacco companies. Daily we read reports of the latest offer or counteroffer in the war of megamergers. Like devotees of a soap opera, we wonder each day: Will management save RJR Nabisco? Are there any food companies left for Philip Morris to buy? We watch these goings-on with mild fascination, as if they had little to do with our everyday lives.

In fact, "tobacco economics" have a lot to do with us, wholly apart from their machinations on Wall Street. They touch the pocketbook of every person who has ever bought health insurance, car insurance or life insurance. Of every person who has ever stayed in a hotel. Of every person who has decided not to smoke.

To understand why, you have to examine the source: cigarettes. Reduced to the most basic level, cigarettes have two components -- smoke and fire. In enclosed environments smoke and fire damage both people and property, and somebody's got to pay the repair bills.

Consider hotel rooms. Despite smokers' best efforts, cigarettes burn holes in carpets, bedding and furniture, cause yellowing of walls and surfaces, and leave unpleasant odors in rooms. These effects are costly to repair.

Recently every major hotel chain has inaugurated nonsmoking rooms. These rooms are popular. Most hotels report that they have a consistently higher occupancy rate than regular rooms. Not surprisingly, these rooms also cost \$1,000 to \$1,500 less per year to maintain. How many hotels are passing this cost saving on to customers? One, the Nonsmokers Inn in Dallas. In other hotels, nonsmokers subsidize smoking patrons.

Consider auto insurance. Studies by Farmers Insurance Co. and Columbia University show that smokers have almost twice the auto accident rate of nonsmokers. There are a number of possible reasons: Smokers may be distracted by the smoking ritual; they may be higher users of other addictive substances that could lead to accidents, or the higher level of carbon monoxide in an enclosed space may impair reaction time.

Whatever the reason, nonsmokers are a better insurance risk than smokers: They cost less to serve. How many insurance companies pass the savings on to customers? Only one. Farmers offers a nonsmoker's discount in the 22 states that it serves. Interestingly, even with the discount, nonsmokers' auto insurance

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is one of its most profitable products. If Farmers is profitable even with a discount, don't nonsmokers deserve similar discounts from other companies? As it is, their nonsmoking policyholders subsidize the coverage of smokers.

If you are a nonsmoker and do not have a substantial discount on your health insurance, you are also paying too much. Studies show that nonsmokers submit fewer health-insurance claims, and the nature of their claims is generally less serious and less costly. Have insurance companies passed their savings on to their nonsmoking customers? Only minimally. Percentages vary, but most companies offer nonsmoking individuals a 7% to 10% discount. Great, you say, until you hear that Blue Cross and Blue Shield of Minnesota offers nonsmokers a discount of 22% -- more than double the national average. Like Farmers, the company's nonsmoker's insurance is one of its most profitable lines. If Blue Cross and Blue Shield makes a profit with a 22% discount, why don't other insurance companies increase their discount to nonsmokers? Once the smoke clears, you can see the answer: Their nonsmoking customers subsidize the coverage of smokers.

Finally, there is life insurance. Every life-insurance company in the country offers discounts to nonsmokers. This is no surprise. Industry studies show that, on the average, smokers die seven years earlier than nonsmokers do. Clearly the nonsmokers are a better risk. What is surprising is that two of those companies -- CNA and Franklin Life -- are owned by the same companies that own Lorillard and the American Tobacco Co., the manufacturers of Newport and Lucky Strike cigarettes. As one economist observed, "Not only do they kill you . . . they bet that you're going to die."

The smoke-and-mirrors game in which nonsmokers subsidize the increased costs of smokers has gone on for too long, and it penetrates too many areas of our lives. Let's use the occasion of today's "Great American Smoke-Out" to smoke out tobacco economics, and return fiscal and respiratory control to the two-thirds of Americans who don't smoke.

TYPE:
Opinion

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63RD STORY of Level 2 printed in FULL format.

Proprietary to the United Press International 1984

April 26, 1984, Thursday, BC cycle

SECTION: Regional News

DISTRIBUTION: Oregon, Washington

LENGTH: 659 words

HEADLINE: Health group bans smoking

BYLINE: By TERRY FINN

DATELINE: SEATTLE

KEYWORD: Nwhor-Nosmoke

BODY:

Giving up smoking is as hard for a company as it is for an individual.

The difficulties of creating a smoke-free environment for workers concerned about inhaling nicotine fumes from their coworkers' cigarettes has produced a new group of experts: consultants who show firms how to quit.

They are still a small fraternity, but they expect to grow as health problems to workers and the costs to businesses from smoking force more corporations to adopt smoke-free work places.

The experts say they are needed because corporate smoking bans and limitations are fraught with pitfalls for the unwitting employer.

Some companies, noted one consultant, have suffered worse morale and productivity problems from their draconian smoking policies than they had before taking any action at all.

"You can get yourself into a lot of trouble by making moral judgments about smoking or by unintentionally turning one group against another," said Robert Rosner, who developed a smoke-free policy for Group Health Cooperative of Seattle, the nation's largest cooperative health maintenance organization.

Rosner, who originally was the butt of antagonism from smokers at Group Health, says corporate quitting must be planned and must involve smoking and non-smoking workers.

Ten months of planning, discussion and meetings with worker groups went into the Group Health policy, which bans smoking in the cooperative's hospitals, clinics and offices by consumers and the organization's more than 5,000 staff members.

Rosner had no experience in no-smoking policies when the Seattle coop hired him. He soon found there were few places to turn for help.

"The morning after I was hired I got out of bed and started calling all around the country and found almost no one knew more about than me. So I just

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had to do it myself," he said.

Putting the policy in place and getting it to work took more than sticking a notice in a pay envelope, he said. It took a combination of firmness and finesse.

"The issue must be presented as a health and safety issue, not a moral one," Rosner said.

"Smokers don't need guilt trips. Smokers, in fact, normally want to cooperate once they understand their habits are endangering the health of others. But you just can't suddenly expect to announce a policy and have people quit the same day."

Rosner set up planning committees composed of smokers and non-smokers to decide how best to implement the policy in their areas at Group Health. Four of Group Health's 16 medical centers already had begun voluntary no-smoking policies. Six others decided to implement the ban earlier than required.

"The key is not to make one group the enemy and give the other group the white hats," Rosner said. "I took some heat when I walked down the halls or spoke before employee groups. Now I even get a few pats on the back."

Some of the pats come from ex-smokers who quit because of the policy.

Rosner made speeches, held question and answer sessions and developed an audio-visual presentation to educate workers. Group Health also sponsored stop-smoking classes.

"We aren't telling smokers they have to quit. We're telling them we want our buildings to be smoke-free for the health and comfort of everyone in them," he said.

"But at the same time smokers don't just stub out their cigarettes the same morning a smoking policy goes into effect. If someone did that to me, I'd be out there ripping down the no-smoking signs."

Violations of Group Health's no-smoking policy could lead to termination. "But we're not out to fire anyone over this," said Rosner.

More than a month after the ban went into effect, Rosner reported things had gone surprisingly well.

"We do have some people sneaking cigarettes in the bathrooms and stairwells," he said. "We still have some problems. That comes with any policy change. But the news is that we have not had the problems we anticipated. It's gone incredibly smoothly."

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PR Newswire

November 14, 1984, Wednesday

DISTRIBUTION: TO CITY DESK -- ATTN: ASSIGNMENT EDITOR

LENGTH: 263 words

HEADLINE: For Your Information

KEYWORD: SMOKING POLICY SEMINAR MEMO

BODY:

SMOKING POLICY SEMINAR TO BE HELD

WHO: Los Angeles City Councilman Marvin Braude and a nationally known group of experts on smoking and smoking policy.

WHAT: Seminar offering advice to L.A. business leaders on how to create a smoke-free workplace in accordance with the tough new city law -- held on the day of the Great American Smokeout.

WHEN: Thursday, Nov. 15, from 9 a.m. to 11 a.m.

WHERE: Bonaventure Hotel in downtown Los Angeles.

BACKGROUND: Braude and the group of experts will speak at the free seminar. Featured speakers include: William Weis, chairman of Seattle University's accounting department and an expert on the cost of smoking to employers; attorney Timothy Lowenberg, nationally recognized authority on smoking and the law; business consultant Robert Rosner, frequent media speaker on smoking in the workplace and veteran smoking policy implementation specialist; Lynn Perdue, general manager of SmokEnders, the nation's largest smoking cessation firm; and Braude, author of the new L.A. law.

The seminar will show L.A. business executives how to formulate and implement reasonable and equitable smoking policies. Speakers will also be available to the media on smoking-related issues, including legal, economic and social impacts of smoking in the workplace.

CONTACT -- David Langness of CompCare at 714-640-8950.

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56TH STORY of Level 2 printed in FULL format.

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July 28, 1985, Sunday, Final Edition

SECTION: Business; D1

LENGTH: 1585 words

HEADLINE: 2 Burning Questions: Who Tells Smokers to Put It Out?

BYLINE: By Sarah Oates, Washington Post Staff Writer

BODY:

As nonsmokers gain support for a smoke-free workplace, companies are devising policies that range from placing special ashtrays on the desks of smokers to banning smoking altogether.

A study commissioned by the Tobacco Institute, a group supported by the tobacco industry, showed that more than 30 percent of the large corporations surveyed had adopted some type of smoking policy.

Robert Rosner, a partner in a consulting firm that has set up smoking policies for several large companies, estimates that more than half the companies in the country now have some type of smoking policy.

Rosner, of Rosner, Weis and Lowenberg in Seattle, Wash., said that he and his partners set up the company a year ago when they saw a need for smoking policy consultation. While he said that he does not personally favor any particular policy, he estimated that half of American companies will have banned smoking in five years to save money.

The consulting firm's largest customer to date, Pacific Northwest Bell, has announced that the company's 15,000 employees will not be able to smoke at work after Oct. 15. Pacific Northwest decided on the smoking ban after agonizing two and a half years over employee complaints about smokers, the cost of installing smoking lounges and empathy for the employees who smoke.

"The bottom line is that Pacific Northwest Bell decided it would be better to invest in helping people to quit rather than investing in setting up places for people to smoke," he said.

"It's a bold step," said Jim Monette, a spokesman for Pacific Northwest, adding that the company asked employee groups consisting of nonsmokers, smokers and ex-smokers to make recommendations on policy. Monette said that he hopes the new policy will get him to stop his own pack-a-day habit, and noted that the company is offering to defray the cost of clinics to help employees kick the habit.

"We're not telling employees to stop smoking, because that's a personal thing, but we are asking employees to refrain from smoking on company property," he added.

Some Washington-area companies report that they are studying the issue or already have implemented some type of smoking regulations. The Federal National Mortgage Association limited smoking by its 1,000 employees to certain areas in

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the workplace, put smoke-filtering machines on the desks of smokers and removed the ashtrays from the conference rooms. Bell Atlantic also limits the smoking areas, and one employee can prohibit smoking in his or her entire office, if it is enclosed. However, smoking is allowed at Bell Atlantic in large, well-ventilated areas.

The American Federation of State, County and Municipal Employees reports that more and more nonsmokers are calling to inquire about their rights. "Smokers are getting very defensive, and non-smokers are getting more militant," said AFSCME's director of research, Linda Lampkin.

When working with firms, Rosner, Weis and Lowenburg cites a report written by William Weis, one of the partners, which claims that smokers boost a company's costs by up to \$4,600 per employee annually, counting the expenses of health and life insurance, absenteeism, cleaning and maintenance, and work time wasted by smoking.

The tobacco industry disputes the findings and has commissioned reports of its own that say smokers are not less productive on the job.

Lewis C. Solmon, dean of the graduate school of education at the University of California in Los Angeles, is the author of a report challenging Weis's findings. He also prepared a report on smoking in the workplace released last week by the Tobacco Institute. While he admits that "one is going to have to be more aware of the effects on others than before," he scoffs at the idea of smoking ever being banned in the workplace.

"It's not a reaction to legal and political manipulation, it's a response to good business practices," he said of the smoking policies that exist at companies today. "There's a lot of smoke and no fire."

The survey, by Solmon's Human Resource Policy Corp., is based on responses to an eight-page questionnaire sent to the 1,000 largest service and industrial companies on Fortune magazine's list as well as the 100 companies reported as the fastest growing businesses in the country by Inc. magazine.

Of the 445 companies that responded, 31.9 percent have smoking policies that limit smoking on the job in some way, while 24.3 percent of the companies considered, but rejected, a smoking policy. The report found that 2.9 percent of the 445 companies ban smoking in work areas while 2.5 percent forbid it anywhere on company premises.

Solmon's study also said that 45 percent of the companies instituted smoking policies for what it termed health and safety reasons while 16 percent of the companies were required by law to do so. Another 32.1 percent chose to institute a smoking policy for employee and business considerations.

The executive director and chief counselor for Action on Smoking and Health (ASH), John F. Banzhaf, said that nonsmoking workers who are irritated or made ill by cigarette smoke have been successful in suing for, and getting, a smoke-free area in which to work. If the evidence on how tobacco smoke affects nonsmokers increases, many more laws will be passed that are favorable to the nonsmoker, he said.

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John Rupp, a partner at the Washington law firm of Covington & Burling who represents the Tobacco Institute, said that the Shimp v. New Jersey Bell case in 1976 is the only precedent he knows in which an employee was able to demand a smoke-free work area because health was impaired by cigarette smoke. He added that New Jersey Bell, which offered no defense in the Shimp case, in 1978 won a similar case, Mitchell v. New Jersey Bell.

Rupp also cited the Smith v. Western Electric Co. case this year, in which the court ruled that there was no evidence that the smoke from co-workers was harming the employee's health.

"If you put all the decisions together, the courts are saying 'work this out as you did in the past,'" Rupp said. Rupp noted that only if an employee has strong physical evidence that smoking makes the working environment unsafe for him or her, could he sue for a smoke-free workplace.

"Rarely is it determined that tobacco smoke is a problem," he said. Employees who sue "have to understand that the medical evidence is going to have to stand up to cross-examination."

Currently, at least eight states and more than 100 municipalities have laws that prohibit smoking in the workplace if any nonsmoker requests a smoke-free environment, according to ASH. Virginia, Maryland and the District do not have such laws, but ones have been proposed and sponsored by Councilwoman Esther P. Gelman and Councilman David L. Scull in Montgomery County and by Councilwoman Hilda Mason in the District.

San Francisco received extensive publicity for its ordinance supporting workers who requested a smoke-free office, put into effect in March 1984. According to Bruce Tsutsui, the environmental health inspector who is in charge of enforcement, none of the approximately 150 complaints that have been filed have gone to court, and enforcement activity takes about one day out of his work week. "It's going very smoothly," he said.

Pressures mounting against smoking may even block the hiring of smokers. Four of the companies surveyed in Solomon's study reported that they do not hire smokers at all.

However, 83 percent of the supervisors surveyed by Response Analysis Corp. in Princeton, N.J., in another study commissioned by the Tobacco Institute, said it made no sense to not hire people simply because they smoked.

"An employer is going to deny himself a third of the adult population" by not hiring smokers, said Anne Browder, assistant to the president of the Tobacco Institute. "I think it's a form of discrimination or selective employment."

Rosner said that some companies consider merely limiting smoking, but abandon the plan when it becomes too expensive. One of his clients originally wanted to set up smoking lounges on every floor but eventually instituted a no-smoking policy for employees when it realized the cost would be \$60,000 to set up and ventilate each smoking room.

One company that switched to a no-smoking policy received an extra savings when its custodial service took \$500 off the monthly bill because the office stayed cleaner, according to Rosner.

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"We think there's a way you can reasonably handle the issue without a complete ban," said Jeffrey D. Ross, who began as the Tobacco Institute's first issues manager three months ago to advise businesses on how to set up smoking policies. Ross said that his institute encourages employees to work out the problems among themselves and sends legal, health and economic information on smoking policies to companies that request it.

Rosner disagrees with the Tobacco Institute's assertion that employees should work the problem out.

"That policy won't work, and the tobacco industry doesn't have any experience helping companies," he said, citing a survey his firm did in which 68 percent of the workers disagreed with the statement that employees should sort out the problem of smoking in the workplace.

"Employees are tired of fighting about the issue. Approaches like that are totally divisive and pit smokers against nonsmokers," Rosner said.

"Four months ago, the tobacco industry was calling smoking policies a communist plot and now they're sending out their own model policy," he added.

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54TH STORY of Level 2 printed in FULL format.

Copyright (c) 1985 The New York Times Company;
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September 29, 1985, Sunday, Late City Final Edition

SECTION: Section 11NJ; Page 12, Column 5; New Jersey Weekly Desk

LENGTH: 1061 words

HEADLINE: BUSINESS NOTES

BYLINE: By Marian Courtney

BODY:

MEMBERS of the New Jersey Business and Industry Association, the Meadowlands Chamber of Commerce, the Clifton-Passaic Regional Chamber of Commerce and the New Jersey Interagency Council on Smoking and Health will hold three seminars this week to discuss compliance with the state's new smoking laws.

The sessions will be held from 8:30 to 11 A.M. Tuesday at the Marriott Hotel in Saddle Brook, Wednesday at the Hyatt Hotel in Cherry Hill and Thursday at the Ramada Inn in Princeton Township.

Four new laws were signed by Governor Kean about two months ago.

One requires that, effective March 1, 1986, smoking and nonsmoking areas be designated in workplaces with at least 50 employees. The law stipulates that where this is not feasible, the rights of nonsmokers to breathe clean air supersedes the rights of smokers.

Laws requiring restaurants to post signs indicating whether nonsmoking areas are available and banning smoking altogether in supermarkets and on public buses become effective Dec. 1.

Keynote speakers will be Robert Rosner, executive vice president of the Institute for Occupational Policy at Seattle University's Albers School of Business, and Regina Carlson, executive director of Summit-based GASP (Group Against Smoking Pollution). They will describe the legal ramifications of the laws, particularly as they apply to labor.

The New Jersey Interagency Council on Smoking and Health is an umbrella organization comprising the Respiratory Health Association in Paramus, the New Jersey division of the American Cancer Society and GASP.

Reservations for the sessions at \$50 each are being accepted by the American Cancer Society in North Brunswick. The telephone number is (201) 297-8000.

The merger of two architectural firms in Princeton Borough - Friis and Moltke, U.S.A., and Kelbaugh & Lee - results in their being known as Friis Moltke Lee.

Friis and Moltke, U.S.A., the American office of the Danish firm Friis and Moltke, was established to design and construct the Scanticon Conference Center in Plainsboro. It later designed the International Conference Center in West Windsor.

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(c) 1985 The New York Times, September 29, 1985

Kelbaugh & Lee, founded in 1979, has won 17 architectural awards, including this year's American Institute of Architects' honor award for a housing project for the elderly in the Monmouth County community of Roosevelt.

A year ago, the two architectural firms began working together on an office building for John E. Wiltshier, a developer, in Princeton Township. Future projects include a fire-engine museum in Allaire State Park in Monmouth County and new facilities for the Scanticon Corporation.

The National State Bank of Elizabeth will hold an international trade breakfast Oct. 11 at the newly renovated Berkeley Carteret Hotel in Asbury Park.

The breakfast, for about 200 businessmen and women in Monmouth and Ocean Counties, will be coordinated by Charles Kelton, vice president in charge of the bank's office in Long Branch.

The breakfast is designed to introduce local business people to 20 trade representatives from Canada, South America, Western Europe, the Middle East, the Far East and Africa. They will discuss imports and exports.

Ming Hsu, director of the state's Division of International Trade, will be one of several speakers.

On Sept. 16, National State opened a corporate financial center for commercial and real-estate lending at the Wick Corporate Center, an office complex in Woodbridge.

Condominium sales began this month at Glenmont Square, a former parochial school in Montclair that has been converted into 35 luxury apartments priced from \$75,000 to \$213,000. Occupancy will begin early next year. The apartments, at 15 Glen Ridge Avenue on the border of Glen Ridge and Montclair, retain the school's original maple floors, high ceilings, oversized windows and wood cabinets. A former basement storage area will be used as a health club.

Built as a public elementary school in 1912, the school was sold to the Archdiocese of Newark in 1978, when it became Our Lady of Mount Carmel School. The building was closed in 1982.

Touchstone Properties of Monclair is the developer.

Officers of the New Jersey World Trade Council will begin work next month on the council's annual New Jersey World Trade Conference, which will be held in May at the Birchwood Manor in Whippany.

The officers were elected in July for two-year terms.

George R. Zoffinger, vice president of the First Fidelity Bank in Newark, succeeded Gerald Hall, vice president of the New Jersey Chamber of Commerce, as president. Mr. Hall was elected secretary.

The other new officers are Axel O. Belden, director of Johnson & Johnson's export division, vice president; Jack Cramer, project manager of the Worthington Group in Edison, treasurer, and Louis Marn, a lawyer with Marn & Jangarathis in Parsippany, counsel.

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The council comprises representatives of business, government and academic institutions concerned with promoting international trade and foreign investment. Its annual trade conference focuses on one country.

Last year's choice was Spain; this year, it will be China.

The council is based at the New Jersey Chamber of Commerce offices in Newark.

The New Jersey chapter of the National Council for Urban Economic Development will present its Urban Leadership Award to Thomas Kelly, vice president of the Harborside financial center in Jersey City, at the chapter's annual awards luncheon in Atlantic City on Thursday.

Harborside is a series of former warehouses on the Hudson River waterfront that have been converted into a financial center for businesses that depend on intensive computer technology.

Mr. Kelly, a strong advocate of economic development, has been instrumental in Harborside's founding. He previously served as director of Jersey City's Economic Development Council.

Thomas J. Stanton, chairman of First Jersey National Bank, will make the presentation.

Earlier in the day, Mr. Kelly will lead a round-table discussion of waterfront projects that are either pending or in the construction stages.

Participants will include Sandra Frucher, chairman of Battery Park City; David Rice, director of the Norfolk, Va., Redevelopment Authority, and Morton Goldfein, vice president of Hartz Mountain Industries.

The panel's topic will be "Waterfront Development: A Regional Look at Local Opportunities."

SUBJECT: SMOKING; LAW AND LEGISLATION; LABOR; INDUSTRIAL AND OCCUPATIONAL HAZARDS

ORGANIZATION: BUSINESS AND INDUSTRY ASSOCIATION, NEW JERSEY; MEADOWLANDS CHAMBER OF COMMERCE; CLIFTON-PASSAIC REGIONAL CHAMBER OF COMMERCE; SMOKING AND HEALTH, NJ INTERAGENCY COUNCIL ON

NAME: COURTNEY, MARIAN

GEOGRAPHIC: NEW JERSEY

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53RD STORY of Level 2 printed in FULL format.

Copyright (c) 1985 The Washington Post

October 6, 1985, Sunday, Final Edition

SECTION: Metro; B3

LENGTH: 546 words

HEADLINE: Nonsmoking Business Can Mean Money in Bank, Conference Told

BYLINE: By Marcia Slacum Greene, Washington Post Staff Writer

BODY:

Applicants for jobs at Lyndon Saunders' inn in Dallas are asked whether they have smoked tobacco or marijuana in the last six months. If the answer to either question is yes, the applicant is told not to fill out the remainder of the application. Saunders does not hire smokers.

Yesterday, Saunders, who calls his business the Non-Smokers Inn, was among the speakers at the First World Conference on Nonsmokers' Rights, held in downtown Washington. Saunders stressed that he saves thousands of dollars each year by having only nonsmoking employees and guests. Rooms can be cleaned faster and do not have to be painted as often and insurance costs are lower, he said.

The nonsmokers' conference, which drew U.S. Surgeon General C. Everett Koop, was sponsored by Action on Smoking and Health (ASH) and was attended by about 200 persons from the United States and Canada.

Koop urged nonsmokers to join to form a "nonsmoking majority" and regain control of their environment. He said smoking was no longer the "exclusive issue" of researchers but an issue for "husbands and wives, for workers, for children, for the elderly, for many millions of people who do not smoke and who have a right to a smoke-free environment."

"What you are doing here today and will continue to do, I would hope . . . is to claim ownership of this health issue in the name of the nonsmoking majority," Koop said.

Participants exchanged information about legislation addressing nonsmokers' rights, shared successful methods for getting employers to establish smoking policies and even received copies of a nonsmokers' song.

"This conference gives us the best opportunity to share our knowledge and make ourselves more effective," said John F. Banzhaf III, ASH's executive director. "Our goal is to protect the right of the nonsmoker to breathe air that is unpolluted. The people here are about making changes. These are not just public health conference hoppers."

Robert A. Rosner, executive director of the Institute for Occupational Smoking Policy in Seattle, advised the conference participants to be prepared to encounter some hostility when trying to get businesses to establish smoking policies. He noted that employers often find it cheaper and less troublesome to establish a total ban on smoking rather than establishing smoking sections.

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Rosner said the nonsmokers' conference will send an important message around the country.

"It is a reflection on the fact that there is a strong movement across the country," Rosner said. "Just in the last six months people who never thought it possible to get a smoking policy established at their jobs have hope because it has been done in other places."

William E. Alli, chairman of the health and safety committee for Local 1534 of the American Federation of Government Employees and a conference participant, said that persistence is a key to getting change.

Alli works for the U.S. Agency for International Development in Washington and was active in getting the agency's smoking policy changed.

After a survey revealed that a majority of 1,015 employees favored limits on smoking, the agency established new regulations, including a ban on smoking in areas shared by two or more employees unless all employees agree to permit smoking.

GRAPHIC: Picture, Donald Gordon Draves . . . among 200 at nonsmokers conference.

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48TH STORY of Level 2 printed in FULL format.

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March 31, 1986

SECTION: Vol 4; No 46; Sec 1; pg 1

LENGTH: 1322 words

HEADLINE: Where There's Smoke in the Office, There's Fire

BYLINE: Christine Tierney

DATELINE: Washington; DC; US

BODY:

The growing friction between smokers in the office and their non-smoking colleagues is putting the heat on managers. A few local businesses, such as C&P Telephone Co. and District law firm Dewey, Ballantine, Bushby, Palmer & Wood, have settled the issue by establishing partial or total smoking bans. About one-third of the nation's companies have adopted some kind of smoking policy, and the controversy over whether smokers should be permitted to indulge the habit at work has reached the point where many managers who would prefer to ignore the issue no longer can.

The silent majority of non-smokers is no longer silent, says A. G. Bickelman, a physician with C&P who helped draft that company's policy. "In the past, those people did not want to be troublemakers. But they're now more vocal," he says. "They're saying, 'I do mind.'" Part of the non-smokers' putspokeness stems from the concern that their smoking colleagues may be polluting the air they breathe eight hours a day, five days a week.

"I'm not concerned with your right to smoke in a situation where I must be present, and I'm not going to compromise on this one," says NBC White House correspondent Sam Donaldson, an ex-smoker who has pledged to clear the smoke from the White House press room."

"The smell of smoke doesn't mean disease, but that's the fear we have to allay," Bickelman says. In his opinion, "the danger (in breathing smoke-filled air) seems meager to the larger group of healthy non-smokers."

The courts have so far extinguished non-smokers' claims that they are constitutionally entitled to a smoke-free environment. But that could change tomorrow, says Maury Baskin, an attorney with Washington-based Venable, Baetjer, Howard & Civiletti. Ten years ago in New Jersey, a court ruled for the first time that an employer was obliged under common law to provide a work place free from unsafe conditions. The court, however, acknowledged that "the rights and interests of smoking and non-smoking employees alike must be considered." Although that decision, which entitles employees to clean air through common law, has not been affirmed by other courts, it hasn't been struck down by a higher court either.

The legalities of the issue haven't yet been defined, Baskin says. Smokers as well as non-smokers have filed suits against employers on all sorts of

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grounds, including handicapped discrimination, and the legal process hasn't yet weeded out the invalid claims. "I would advise caution on both fronts," Baskin says. "Either side can come after you."

Washington, Maryland and Virginia all have legislation that forbids discrimination against the handicapped. Non-smokers who are truly allergic to smoke in the air may file a handicapped discrimination charge against their employers. Smokers who claim in turn that they are handicapped by the addiction and need to smoke where they work, are less likely to win the suit, Baskin says.

In response to apparent judicial reluctance to delineate smokers' as well as non-smokers' rights, eight states and a number of municipalities have passed legislation limiting where people can smoke. Of all the local jurisdictions, however, only Montgomery County has enacted a law that bans smoking in county government work places, outside specifically designated smoking areas. The law takes effect in April. In an earlier debate, the county council rejected private work place smoking restrictions.

Employers attempting to set up their own guidelines not only lack local government direction, they are further hindered by conflicting statistics. Employees who smoke cost their businesses an extra \$ 4,500 a year in lost time, higher insurance premiums and lower productivity, says William Weis, a Seattle-based consultant affiliated with the Albers School of Business. Another study, however, bears out the common stereotype of the hard-driving, chain-smoking workaholic. According to a report by UCLA professor and consultant Lewis Solmon, absenteeism among smokers is lowest among the heaviest smokers.

Even the medical data, which would appear more clear-cut, leads different researchers to different conclusions. The fury over passive smoking, or inhaling smoke-filled air, was fanned by a highly publicized 1981 Japanese study, which concluded non-smoking wives of smokers are more likely to develop cancer than non-smoking wives of non-smokers. But a 1983 study conducted by the National Heart, Lung and Blood Institute in Washington found "the effect of passive smoking on the respiratory system varies from negligible to quite small."

C&P's Bickelman says a small percentage of people are allergic to smoke, and those people can get very sick if they are exposed to smoky air. Others who work near smokers may suffer aggravation of underlying heart and lung ailments, and companies should put all these people in a smoke-free environment. The courts have consistently upheld this small group's claim to need a protected atmosphere, and they have required employers to provide "reasonable accommodation."

At C&P, smoking is no longer permitted in cafeterias, waiting rooms, lobbies and hallways, small common areas, such as bathrooms and copying rooms, and those conference and classrooms that aren't large enough to be divided into smoking and non-smoking sections. The policy, which went into effect last month, allows smoking in the fully enclosed offices of workers who permit it, and in work spaces and common areas where employees have agreed to allow smoking.

Three years ago in Pennsylvania, a court ruled that an employer could not impose smoking restrictions if a collective bargaining agreement is in place. The C&P management notified the union, the Communications Workers of America,

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in advance of its decision to limit smoking in C&P facilities. The company is also setting up free lunch time smoking cessation classes for those employees who want to kick the habit.

A number of local high technology firms have always had smoking bans because something about smoke seems to hamper computer functions. Smoking has never been allowed inside the building at Verdix Corp. in Chantilly, says spokeswoman Virginia Dart. "We may decide at some point to designate a smoking area, but for now, people just go outside and smoke." Similarly, smoking is not permitted at Satellite Systems Engineering in Bethesda.

The former secretary of Health, Education and Welfare, Joseph Califano, now managing partner at Dewey, Ballantine, doesn't permit any smoking in the law offices. Currently, there is one designated room where the staff can smoke, but in October a full ban goes into effect and the lawyers and staff who want to smoke will have to go outside.

Smokers and their lawyers say such policies smack of hiring discrimination, but a couple of recent court cases have struck down charges that companies that don't hire smokers discriminate. Smokers are not a protected class or group, says consultant Robert Rosner, with Seattle-based Rosner, Weis & Lowenberg Inc., who flew in from Seattle to attend a seminar on smoking at the work place sponsored by the Greater Washington Board of Trade. "For that matter, a company could choose not to hire non-smokers and it would be perfectly legal."

The most recent census figures show that 30 percent of American adults smoke now compared to more than 40 percent in 1965. But the numbers don't tell half the story. The people who smoke then are not the same people who smoke now. In 1965, cigarettes were a glamorous habit; today, smoking is associated with less income and less education. Surveys show the perception of the habit has deteriorated, even among smokers. "Can you imagine seeing a photo in an annual report of a CEO with a cigarette in his hand?" Rosner asks.

"I don't think it will even be an issue in 20 years," Bickelman says. "I think tobacco will be off the market."

GRAPHIC: Drawing

SUBJECT: Smoking; Management decisions; Surveys; Personnel policies; Regulations; Employee rights

NAME: A. G. Bickelman; Sam Donaldson; Maury Baskin

GEOGRAPHIC: South Atlantic Region; McLean; VA; US

COMPANY: C & P Telephone Co; SIC: 4811

LOAD-DATE-MDC: December 11, 1989

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LEVEL 1 - 55 OF 55 STORIES

Proprietary to the United Press International 1986

September 3, 1986, Wednesday, BC cycle

SECTION: Regional News

DISTRIBUTION: Oregon

LENGTH: 563 words

HEADLINE: Workplace smoking ban works, researchers say

BYLINE: By ROB STEIN, UPI Science Writer

DATELINE: BOSTON

KEYWORD: Smoking

BODY:

Banning smoking in the workplace helped Northwest telephone employees kick the habit without prompting them to quit their jobs, researchers said Wednesday.

"Workplace smoking bans do encourage people to quit or smoke less and if they ever become the norm it will have a profound impact on this country's cigarette consumption," said Dr. Michael J. Martin, clinical epidemiologist at the University of California in San Francisco.

In a letter to The New England Journal of Medicine, Martin reviewed the experience of Pacific Northwest Bell, which banned smoking for all 15,000 employees in all company facilities in July 1985.

"Although the company initially received some complaints, not a single employee has left because of it," Martin said. "A few were irritated enough to write letters complaining about the ordinance. But that was about it."

When the ban was announced, the company also unveiled a program for reimbursing employees for participating in programs to help them quit smoking. In the first six months 1,044 employees -- 25 percent of all company smokers -- had signed up.

"The actual number of smokers who tried to quit is probably much larger because many smokers prefer to quit on their own rather than by going to cessation programs," said Martin.

By comparison, in the 26 months before the smoking ban, employees had the opportunity to participate in smoking-cessation programs during working hours that were free. Only 331 employees signed up.

In addition, even employees who continued to smoke consumed fewer cigarettes. A company survey found that those who reduced their smoking cut back from an average of 29 cigarettes a day to 21, said Martin.

"There's a clear association between the health consequences of smoking and the amount they smoke. Cutting back by that much would have a clear benefit," said Martin.

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Proprietary to the United Press International, September 3, 1986

Martin attributed the success of the ban to the way it was implemented.

"Much of the ban's success is because it was applied uniformly to all employees. Employees sometimes have objected to smoking bans that allow those with private offices to smoke while those in large open work areas cannot. This smoking policy applied equally to everyone," said Martin.

Martin said many companies are considering smoking bans, primarily to save money. Studies have shown an employee who smokes can cost an extra \$4,700 a year, primarily for higher health care costs and absenteeism.

Martin said non-smokers also benefit because they are not exposed to their co-workers' smoke.

"The risks are clearly there and it is time to start protecting the rights of non-smokers," he said.

Martin called for other businesses to adopt similar bans, and said hospitals should take the lead.

"Smoking is the greatest cause of premature death and disability in the United States, and it would be ironic if health care institutions let the general business community take the lead," he said.

Martin also said that while most hospitals have segregated smokers from non-smokers, a few have banned smoking completely, including the Group Health Cooperative Hospital of Puget Sound. Swedish Hospital in Seattle began a smoking ban on Monday.

Co-authors of the report were Annette Fehrenbach, psychiatric consultant at Pacific Northwest Bell, and Robert Rosner, executive director of the Smoking Policy Institute at Seattle University.

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LEVEL 1 - 54 OF 55 STORIES

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September 3, 1986, Wednesday

DISTRIBUTION: News/Medical Editors

LENGTH: 629 words

HEADLINE: UC-SAN FRANCISCO; FEATURE/Banning smoking in workplace helps smokers quit but they don't quit their jobs, researcher finds

BODY:

One year ago 15,000 employees of Pacific Northwest Bell were told they could no longer smoke at work. Within six months of the company announcement 25 percent of the smokers signed up for smoking cessation programs and no employees have quit their jobs because of the smoking ban, according to Michael J. Martin, M.D., a UC-San Francisco clinical epidemiologist at San Francisco General Hospital. "The actual number of smokers who tried to quit is probably much larger because many smokers prefer to quit on their own rather than by going to cessation programs," Martin said. Martin commented on the results of the company's smoking policy in a report published in the Sept. 4 issue of the New England Journal of Medicine. None of the company's 4,000 smokers quit their job because of the smoking ban. "A few were irritated enough to write letters complaining about the ordinance," Martin said, "but that was about it." He added that enforcing the ban has not been a problem even though the company has over 800 buildings in three states. To date, there have been no lawsuits concerning the ban and the two unions representing company employees have supported it. "Much of the ban's success," Martin pointed out, "is because it was applied uniformly to all employees. Employees sometimes have objected to smoking bans that allow those with private offices to smoke while those in large open work areas cannot. This smoking policy applied equally to everyone." Many companies are thinking about instituting smoking bans, Martin said, because it will save them money. Published reports estimate that it costs a company between \$336 and \$601 more per year to employ a smoker compared to a nonsmoker. Most of this comes from higher health care costs and absenteeism. In the report, Martin addressed the issue of smoking bans in hospitals. While most hospitals have segregated smokers from nonsmokers and/or have prohibited the sale of cigarettes, a few hospitals have banned smoking completely. Two of them are the Public Health Service Indian Hospital on the Hopi Reservation and the Group Health Cooperative Hospital of Puget Sound. "It is now time for all hospitals to consider a smoking ban. Smoking is the greatest cause of premature death and disability in the United States and it would be ironic if health care institutions let the general business community take the lead in banning smoking in the workplace," he said. Martin pointed out that there are dramatic differences in the health of smokers and nonsmokers and that there is an improvement both in the short and long-term health status of individuals when they quit smoking. The long-term positive effects on serious diseases like lung cancer, emphysema and heart diseases have been demonstrated in numerous studies, he said. "The results of the Pacific Northwest Bell experience also indicate that even the employees who continued to smoke after the ban smoked less," Martin said. "Workplace smoking bans do encourage people to quit or smoke less and if they ever become the norm it will have a profound impact on this country's cigarette consumption." Martin, who is studying the effect of passive smoking on the risk of heart disease, feels there are proven risks associated

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with breathing other people's cigarette smoke. "The risks are clearly there and it is time to start protecting the rights of nonsmokers." Co-authors of the report are Annette Fehrenbach, Ph.D., psychiatric consultant at Pacific Northwest Bell, and Robert Rosner, executive director of the Smoking Policy Institute, Albers School of Business, Seattle University.

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LEVEL 1 - 53 OF 55 STORIES

The Associated Press

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September 3, 1986, Wednesday, AM cycle

SECTION: Domestic News

LENGTH: 238 words

HEADLINE: Doctor Says Hospitals Should Ban Smoking

DATELINE: BOSTON

KEYWORD:

Smoking

BODY:

A telephone company's success in banning smoking on the job should encourage hospitals to prohibit cigarettes, too, a doctor says.

Dr. Michael J. Martin of the University of California in San Francisco said that in the six months since Pacific Northwest Bell barred smoking in its facilities, the results have been impressive. No one has left as a result of the policy, no lawsuits have been filed, and the workers' unions have supported the measure.

Martin, along with Dr. Annette Fehrenbach of the phone company and Robert Rosner of the Smoking Policy Institute at Seattle University, described the results of the policy in a letter published in Thursday's New England Journal of Medicine.

They predicted that the experience will almost certainly encourage other large companies to consider such a ban.

"If widely adopted, these policies might have a dramatic effect on the nation's smoking habits," they wrote. "Theoretically, they would encourage people to quit smoking by increasing the social pressure against it and by restricting the time available for it." They said that although some hospitals have already banned smoking, all hospitals should consider doing the same.

"Smoking is the greatest cause of premature death and disability in the United States," they wrote, "and it would be ironic if health care institutions let the general business community take the lead in banning smoking in the work place."

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LEVEL 1 - 52 OF 55 STORIES

The Associated Press

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September 4, 1986, Thursday, PM cycle

SECTION: Domestic News

LENGTH: 296 words

HEADLINE: Doctor Urges Hospitals To Ban Smoking

DATeline: BOSTON

KEYWORD:
Smoking

BODY:

Hospitals should take a cue from industry and ban on-the-job smoking by their employees, a physician said in a letter published in today's New England Journal of Medicine.

Dr. Michael J. Martin said a Seattle-based telephone company has obtained impressive results from a smoking ban.

"It is time now for all hospitals to consider such a ban," he wrote. "Smoking is the greatest cause of premature death and disability in the United States, and it would be ironic if health care institutions let the general business community take the lead in banning smoking in the work place." Martin said Pacific Northwest Bell barred smoking by its 15,000 workers last October. During the first six months, no one left as a result of the policy, no lawsuits were filed, and the workers' unions supported the measure.

Martin, who is on the faculty of the University of California in San Francisco, wrote the letter with Dr. Annette Fehrenbach of the phone company and Robert Rosner of the Smoking Policy Institute at Seattle University.

They predicted that the experience will almost certainly encourage other large companies to consider such a ban.

"If widely adopted, these policies might have a dramatic effect on the nation's smoking habits," they wrote. "Theoretically, they would encourage people to quit smoking by increasing the social pressure against it and by restricting the time available for it." At the Tobacco Institute, a cigarette manufacturers' trade group in Washington, spokesman Scott Stapf disputed the letter's conclusions.

"Pacific Northwest Bell's experience is in no way typical of what's been observed in corporations on a national level," he said.

He said unions generally oppose smoking bans that have not been agreed to through collective bargaining.

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LEVEL 1 - 51 OF 55 STORIES

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September 9, 1986, Tuesday Transcript #2857

LENGTH: 10214 words

HEADLINE: South Africa: Confronting Apartheid;
Holy War;
Campaign '85: Senate Sweepstakes;
Fumes at Work

BYLINE: In New York: CHARLAYNE HUNTER-GAULT, Correspondent; In Washington: JIM LEHRER, Associate Editor; JUDY WOODRUFF, Correspondent; GUESTS: In Washington: Sen. ORRIN HATCH, Republican, Utah; Sen. FRANK LAUTENBERG, Democrat, New Jersey; ED ROLLINS, Political Consultant; KIRK O'DONNELL, Political Analyst; In New York: RAGHIDA DERGHAM, Middle East Magazine; REPORTS FROM NEWSHOUR
CORRESPONDENTS: JAMES ROBBINS (BBC), in South Africa; LEE HOCHBERG (KCTS), in Seattle

BODY:

Intro

JIM LEHRER: Good evening. In the headlines today, another American was kidnapped in Beirut. The Soviet U.N. official was indicted on espionage charges, and the American reporter jailed in Moscow expressed concern his case was escalating dangerously. We will have the details in the news summary in a moment. Charlayne Hunter-Gault is in New York tonight. Charlayne?

CHARLAYNE HUNTER-GAULT: The news summary tonight is followed by three focus segments. We find out about the kidnappers who call themselves Islamic Jihad and why they're striking now. We'll hear how a first visit to South Africa affected the views of two U.S. senators, followed by a documentary report on how South Africa is planning to get around new sanctions. And finally, a look at just what's at stake in upcoming U.S. elections.

News Summary

LEHRER: His name is Frank Herbert Reed. He is a 53 year old teacher from Malden, Massachusetts, who is the director of the elementary department of a small, private school in Beirut, Lebanon. This morning his car was stopped by gunmen, and he was taken prisoner. A radical Shi'ite Moslem group called the Islamic Jihad claimed responsibility for the action, as they have for the kidnapping of at least four other Americans believed to be held captive somewhere in Lebanon. In Washington, State Department spokesman Bernard Kalb said this:

BERNARD KALB, State Department: The U.S. embassy in Beirut is in touch with all who could be helpful in verifying Mr. Reed's whereabouts, and, if in fact he has been kidnapped, obtaining his safe release. Once again, I'll do what you're heard me do before and others have done before -- that we call on those who may be holding Mr. Reed, as well as the other foreign hostages in Lebanon, to release their captives immediately. We remind them further that we hold them responsible for the well being of their captives.

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LEHRER: There is also an apparent Lebanon connection to the bomb yesterday at the Paris post office that killed one person and injured 19. A group called Partisan of Right and Freedom left a statement in a mailbox in Beirut claiming responsibility for the bombing.

And the death toll in the Pan Am hijacking went up two more today. Pakistani officials said 20 people are now dead, and 31 others remain hospitalized in serious condition. Charlayne?

HUNTER-GAULT: A federal grand jury in New York today indicted 39 year old Soviet physicist Gennady Zakharov on espionage charges. U.S. Attorney General Edwin Meese, who announced the indictment in Washington, said Zakharov would be prosecuted vigorously. Zakharov, a United Nations employee, was charged with conspiracy, obtaining classified documents, and attempting to communicate material to a foreign government.

And in Moscow, the wife of jailed American reporter Nicholas Daniloff visited him for the third time today and said that he believes the espionage charges against him won't be resolved soon. Daniloff also said that he fears that U.S.-Soviet tensions over his case are escalating dangerously. In Washington, the White House briefed Congressional leaders on what steps it is considering if Daniloff is not freed. Late today, the Senate unanimously passed a resolution condemning Daniloff's arrest and warned that his continued detention could threaten U.S.-Soviet relations.

Sen. ROBERT DOLE, Majority Leader: I'm certain there are some Russian Rambos who think we've bluffing, who tell each other that the Americans are not going to risk the summit or trade, including sales of wheat, or the SALT agreement -- abiding by the SALT agreement -- or whatever it may be. They may be mistaken.

Sen. DANIEL P. MOYNIHAN (D) New York: The Soviets have got to understand that they can not do this and expect our relations to prosper in any way. They can not expect a summit meeting, they can not expect an arms control agreement, they can not expect subsidized wheat, and they can not expect expanded trade, they can not expect credits, they can not expect accommodation of the sort which we had hoped for -- which we do hope for -- if they persist in this foul and detestable, contemptible act of a police state in view of all the world.

HUNTER-GAULT: A spokesman for the Soviet foreign ministry told reporters today that a mutual solution to the Daniloff case could be found, but declined to be specific.

LEHRER: This was primary election day in nine states and the District of Columbia. The main attractions were mostly U.S. senate nominations that will set the players for the November general election, when the Republicans' majority control of the Senate goes on the line.

President Reagan used the day to talk about his new drug program with the leaders of Congress. White House spokesmen said the pitch was for a plan that will be formally unveiled Sunday in a nationally televised speech by President and Mrs. Reagan. The Senate Minority Leader Robert Byrd came out of a White House meeting with less than enthusiastic things to say.

Sen. ROBERT BYRD, Minority Leader: I came away with the impression that the administration doesn't have really any new far reaching proposals. I asked a

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question as to how much the administration's proposals could cost, and the answer was something like a quarter of a billion dollars. It appears to me that's not going to begin to be enough.

LEHRER: A number of congressmen agree the President is not spending enough money on the drug war. A House coalition wants to spend \$700 million next year.

Rep. JIM WRIGHT, House Majority Leader: The bill will approach the job of mobilizing our forces to make an assault on illegal drugs in five separate ways simultaneously. First, to help with tools and equipment to eradicate supplies both abroad and here at home where they exist. Second, to interdict shipments coming into the United States more effectively. Third, better to enforce the laws that exist and some new laws that will help enforcement against laundering of money by drug dealers. Fourth, and probably here we get the biggest payoff of all, an education program. And then, finally, an effort to help rehabilitate those unfortunate individuals who have become addicted to this terrible menace.

LEHRER: Afterward, the Senate Republican leader weighed in with a new approach to pay for the war on drugs.

Sen. DOLE: One more thing we might do is to have a voluntary checkoff on your tax return. There's so much interest in the drug problem by people all across the country, we're looking at an optional tax checkoff that we believe would bring in millions and millions -- hundreds of millions of dollars a year. We certainly are working together. We don't -- we're not throwing any cold water on the House plan. We hope that we can finally get together.

HUNTER-GAULT: Under pressure from South African black leaders, Coretta Scott King today cancelled a meeting with that country's president, P. W. Botha. Anti-apartheid activists Alan Boesak and Winnie Mandela had criticized the meeting and said they would not meet with Mrs. King if it went forward. In a last minute cancellation of the Botha meeting, the widow of slain civil rights leader Martin King, Jr., said that she needed more time to acquire a better understanding of the complex problems in South Africa. Meanwhile, the South African government executed three black guerrillas convicted of murder. One had been found guilty of the December bombing at a shopping center near Durban in which five people were killed and 48 others wounded. The other two had been convicted of killing a suspected government informant. The men, members of the outlawed African National Congress, were hanged after refusing to seek clemency. Archbishop Desmond Tutu said he was surprised by the government's action.

Archbishop DESMOND TUTU: I would have thought that with our situation as tense as it is, a conciliatory move on the part of the government would do a great deal to create a climate that would make people a little more responsive to wanting to negotiate.

LEHRER: Also overseas today, Chile's President Augusto Pinochet declared war against Marxism. He said, "The war is going to start from our side." Pinochet spoke before attending the funeral of five bodyguards who died when his motorcade was attacked Sunday. Also, the editor of a magazine banned by the government was found dead today. He was taken from his home yesterday by unidentified men who claimed they were police officers. Police officials today denied involvement in the killing.

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And in Israel, officials said a summit meeting with Egyptian President Mubarak was cancelled. Mubarak and Israeli Prime Minister Shimon Peres were to meet this weekend. An Israeli spokesman said it was called off after a failure to settle a longstanding border dispute.

HUNTER-GAULT: And finally in the news, Delta Airlines agreed to acquire Western Airlines for \$860 million. If the merger goes through, Delta will become the second largest passenger carrier in the country.

Still ahead on the News Hour, who are the Islamic Jihad kidnappers, and why are they striking now? Two U.S. senators talk about how their first visit to South Africa affected their views. And we find out about the high stakes in the upcoming '86 elections.

South Africa: Confronting Apartheid

LEHRER: Now a Senate debate about South Africa. Not between two longtime experts on, frequent travellers to or noted cause leaders about South Africa, but between two United States senators from different poles of U.S. politics who just returned from their respective first visits to that strife-torn nation that has suddenly become so prominent in their worlds as United States senators. They are Senators Frank Lautenberg, Democrat of New Jersey; and Orrin Hatch, Republican of Utah.

First, gentlemen, let me establish before we get to the debating, establish where you stood on your views toward South Africa before you left. Senator Hatch, how about you? What was your view on sanctions? How did you vote, etc?

Sen. ORRIN HATCH (R) Utah: Well, of course, something has to be done about apartheid. It is a bad practice, and we all admit and agree with that. But I have not been for punitive sanctions, such as advocated by Senators Kennedy and Cranston and congresspeople in the House. But I did vote for the limited sanctions, the modest sanctions, for the purpose of sending a message and, of course, doing what we can do to prod the South African government into making the necessary reforms.

LEHRER: That's where your views were before you went. All right, Senator Lautenberg, how did you feel before you went?

Sen. FRANK LAUTENBERG, (D) New Jersey: Well, I went with somewhat of a bias, but I was willing to find out, see if what was being said was true. I voted for sanctions. I even voted for harsher sanctions. And I did it with --

LEHRER: For the Kennedy bill.

Sen. LAUTENBERG: For the Kennedy, for the Cranston proposal. And I would support harsher sanctions. And I did it with some considerable misgiving, I must tell you. I come from the corporate world. That was my experience before. And I know a lot of corporate leadership in the country, particularly in my state, where there are installations in South Africa. And they are good companies. These are companies that are very progressive, that have worked hard to advance the black individual working there and have contributed to schools and so forth. But after searching for another way to get this message across, which I think is essential for the United States at this point -- the moral message -- there was no other way. And I went to talk to people to see if

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they had anything else to say.

LEHRER: All right, now let's -- both of you went. Who did you talk to, Senator Hatch?

Sen. HATCH: Well, I chatted with an awful lot of government leaders, from P. W. Botha to members of his party to the finance minister, the minister of education, to a number of progressive party leaders who, of course, have been fighting apartheid for a long time. I met with black leaders, I met with Chief Buthelezi, who is the chief minister of the Zulu tribe, the largest black group in all of South Africa -- 7 million of them that he presides over. I met with a number of black businesspeople, eight black union leaders, and very small businesspeople, and people who work for -- blacks who work for -- and Indians and coloreds -- who work for -- as they call them over there -- who work for the American companies. I also met with the people who monitor the Sullivan principles that American companies have subscribed to and learned quite a bit from them. I met with others as well.

LEHRER: All right. Now, who did you talk to, Senator Lautenberg?

Sen. LAUTENBERG: I met with quite a few people from the black community, including Bishop Tutu. I attended his last service as a bishop before he was installed as archbishop. I met with white businesspeople. There are no black businesspeople to speak of. I met with Dr. Motlana, who is a prominent physician who deals very much with the social issues concerning the Soweto community. I was in Soweto. I went to church where Tutu preached his last sermon. I was in Crossroads. I've talked to the ordinary people, the squatters. I've talked to people from business. I've talked to people from the university, from the Afrikaans University, Stellenbosch. I've talked to the president and director. I've talked to three eminent professors. I've talked to people who were in the progressive party who have resigned from the party because they felt the parliament was absolutely ineffective. I spoke to Helen Suzman, who has a long record of opposition of apartheid. I met with the defense minister, who was the only minister they could kind of squeak out for me to see. I wasn't particularly interested in meeting Mr. Botha, because I'd gotten his message very clearly from the South African embassy before we left.

LEHRER: All right. Now, what happened to your views, if anything -- Senator Hatch, to you first -- as a result of your visit?

Sen. HATCH: Well, I was amazed really at how little support there is for sanctions, and especially disinvestment, on the part of any black Africans, as well as all Africans -- whites, coloreds, Indians and blacks. As a matter of fact, I did meet with some black small businesspeople who do own their own businesses. There aren't very many. I have to admit that. And to a person, almost all of them were totally against any type of sanctions. They feel that the sanctions approach has been somewhat counterproductive. They kind of have been developing a siege mentality over there in the government, and even in the non-government circles -- that basically they think sanctions are going to come. They're taking the attitude, "It's us against the world." And what has really been a remarkable series of reforms -- not enough, but nevertheless significant reforms for the last number of years -- they've basically been coming to a halt. and it's a very serious problem. So I have real misgivings as to whether sanctions are going to be productive or counterproductive -- even moderate sanctions. But something has to be done. Apartheid is an evil practice. It

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is something that has to be -- has to be pushed out.

LEHRER: Well, are your misgivings such, Senator, that if you had to vote again, you would not vote even for the limited sanctions that the Senate passed?

Sen. HATCH: Well, I do believe something has to be done, but I think to go beyond the limited, tailored sanctions that we have is a mistake. But I think what really needs to be done is I think -- you know, I had an amendment to the Senate sanctions bill that would double the amount of money to \$40 million that would really go to help with vocational education, with free trade unionism, with training black leaders and helping small businesspeople and helping them to grow and progress and to bring about positive change. And one of the things that I found over there, and it was significant to me, is that from P. W. Botha to the very liberal progressive party leaders, they basically said, "Look, we --

LEHRER: The white leaders?

Sen. HATCH: White leaders and black leaders. And black leaders. Buthelezi is totally opposed to apartheid -- Chief Buthelezi, the chief of the Zulu Indian -- the Zulu tribe, I should say -- but he doesn't want sanctions, because he feels blacks are the people who are going to be hurt. And what they said to me is they said, "Look, you Americans are treating this like an American civil rights controversy. This is very complex." It is complex. It isn't just like an American civil rights controversy. It's a lot more complex than that. And they said, "Look, what we need is we need positive assertions. Tell us what you would like us to do, so that we can at least points towards that, and we'll do something about it." Chief Buthelezi, for instance, convened an indaba -- an indaba of all the black leaders and other leaders throughout his area, his province. And what they did is they came up with a bill of rights that really is remarkable. He's talked about executive power sharing. And he's doing some very constructive things. They're almost completely ignored by the international media in their devotion to Bishop Tutu, Boesak and the African National Congress, which are the more radical sections of South Africa.

LEHRER: Senator Lautenberg, what did you find, if anything, that surprised you or caused you to change your views on things?

Sen. LAUTENBERG: Obviously, I differed with my distinguished colleague's view on things. I hardly spoke to a black person, including Bishop Tutu -- I'm talking about people in responsible positions of leadership -- who didn't cry out for sanctions -- cried out for something to make a difference. Yes, I met Buthelezi too, and he was opposed to sanctions. But there's a question about what his role is in this whole thing. And though he's purported to represent 6 million people in the Zulu tribe, there's a question of how deep his support is. He is a lovely gentleman. I didn't hear him offer any solutions. As a matter of fact, when I spoke to responsible businessmen, including the chairman and chief executive of Anglo American and other high level businesspeople, they said, "Well, we disapprove of sanctions." Then I'd say, "Well, what's the alternative? What do you offer?" There's nothing. Just silence. "Well, give this thing a chance to work out." And they talked, as Senator Hatch said, about the remarkable progress. All you have to do is look at how people are required to live. I don't care how successful a black person is; he goes back into that dungeon when his day's work is done.

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LEHRER: Was that worse than you expected?

Sen. LAUTENBERG: Far worse.

LEHRER: Was it?

Sen. LAUTENBERG: Far worse. It's inhuman. It truly is. Where people are, if they live in a so-called house, it might be a two room house or a four room house. Whatever size it is, it's totally inadequate. No plumbing, with rare exception, no electric, no heat, no sanitation facilities. It's disgraceful. And I was with people who were willing to squat under the very nose of the administration, because they said, "They have to understand -- they the white government -- that we are going to stay here, and we're going to live here, and we're going to resist." And these are not vengeful nor violence-bent people.

LEHRER: Senator Hatch, how about you? You clearly must have had something in your mind, as we all would, as to what you expected to see about what the life of a black is in South Africa. How did it strike you?

Sen. HATCH: Well, I actually went into the worst war-torn part of all South Africa, according to them, and that was Alexandra. It was -- it was pathetic. It was a very -- they were very hard living conditions. We went out to Chief Buthelezi's region, and I differ with my good friend Frank Lautenberg, because he has done some very positive things. He not only presides over 7 million Zulus, but he did convene an indaba -- or a convention. He did bring these people together. He did come up with a bill of rights. He has made a suggestion on how to power share. He is a remarkable leader. But before him, since he's been against apartheid, before he was the most publicized man in many ways in South Africa, but when he came out against sanctions, he's been basically ignored, even though he probably represents the biggest constituency. Now, one thing I did find that was amazing to me is that I -- you know, I admire Bishop Tutu as a human being. He's humorous, he's articulate, he's bright. There are a lot of good things about him. But I found very little support -- constituent support -- for Bishop Tutu over there.

LEHRER: And --

Sen. HATCH: Let me just say this.

LEHRER: Sure.

Sen. HATCH: Bishop Tutu has an international media constituency, but he did not have among black religious leaders that we met with, among many other leaders throughout the country, he did not have the support within the country that the, I think, international press leaves the impression that he has.

LEHRER: Did you find that to be the case?

Sen. LAUTENBERG: No, not at all. Sure, there are some doubters. But basically, through the black community, Bishop Tutu, among other leaders -- it's not a monolithic community. There is no single person that has a command -- Buthelezi included. There's Mandela, respected, by the way, I must tell you, among many whites as well as the blacks -- a leader who is rotting in jail and doing the white cause more harm than good. The ANC will be driven to full communism if we continue our resistance to it. We had one of our ambassadors

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meet with these people. They want to make change. They want to make it at a reasonable pace. The white community is absolutely resisting any change. And if you saw the emergency rules that they have -- you can be arrested for now cause at all, not charged, withheld typically in solitary confinement. I have a newspaper here. It said, "Children jailed for public violence." The judge said these people are, for the purposes of sentencing, are first time offenders, and they sentenced 13 year olds to ten years in jail.

LEHRER: Finally, in a word, Senator Hatch, do you want to go back sometime?

Sen. HATCH: I think it's worthwhile for us to go back. I think if more members of Congress were to go back, they would realize how counterproductive these calls for punitive sanctions really are. And I think -- I think really we can do many more constructive things that would help there and get rid of apartheid.

LEHRER: Senator Lautenberg?

Sen. LAUTENBERG: I was totally depressed by the circumstance in which 22 million or 24 million blacks are asked to live. I don't want to go back to that country until there is positive change being made. Right now it's an animal house. These people are caged. They're kept under wraps, and it's not a place for us to be visiting.

LEHRER: Gentlemen, thank you both very much.

South Africa: Skirting Sanctions

HUNTER-GAULT: As politicians around the world debate what sanctions their governments should apply to South Africa, South Africans themselves are figuring out ways to get around any new sanctions that may be imposed. James Robbins of the BBC tells the story of these sanctions-busters.

JAMES ROBBINS (voice-over): The story of Armscor is becoming well known -- Armscor, the state arms corporation which reacted to the United Nations embargo on weapons sales to this country nine years ago by going it alone.

(clip from Armscor film)

Announcer: It's been a long, hard slog countering external pressures and a United Nations imposed arms embargo. And though much of what we use along our borders still comes from abroad, a great deal is now being manufactured or assembled locally.

ROBBINS (voice-over): And the story of Armscor is the best clue how South Africa means to beat wider trade sanctions. Before the 1977 arms embargo, South Africa was genuinely self-sufficient only in small arms and ammunition; reliant on the outside world. Now Armscor is a major weapons exporter. Research, adaptation of foreign product and secret deals overseas have pushed Armscor into the big league, now considered among the top ten arms producers in the world. State President P. W. Botha was proud to unveil a fighter to match Soviet aircraft in the region -- South Africa's update of the French Mirage, the Cheetah, a fierce, hybrid animal born of adversity, bearing its own message to the world.

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P. W. BOTHA, president, South Africa: The Cheetah demonstrates, once again, our response to the imposition of sanctions against us. If it is expected of us to forego other essential goods which we can not manufacture or build, let us obtain it by exploiting the self-interests of others.

ROBBINS (voice-over): Self-interest. Conventional businessmen know if they are forced to give up a deal under pressure of sanctions, someone else is always waiting to step in.

KEN OWEN, editor, Business Day: I do believe that we are going into an era of surreptitious trade, of smuggling, of dummy companies and false bills of lading, false certificates of origin. I think a great many people, and most of them crooked, are going to make an enormous amount of money out of it.

ROBBINS (voice-over): And they are the sanction-busters, trading in the shadow of international disapproval, secrecy their great protection. This little man works from home and reckons there are 100 others like him, buying and selling for clients worldwide, disguising the true origins of South Africa's exports, the true destination of her imports. This promises to be a booming, high tech, cottage industry. All you need: a computer linked to a telephone, a range of offshore bank accounts, and perhaps a map of the world.

South African trader: Traders are not politicians. Their job is to buy goods and supply goods to everybody's advantage. How else do we eat?

ROBBINS (voice-over): Working in favor of the sanction-busters, dozens of South African ports, large and small, scattered along 2,000 miles of coast. To most, a naval blockade is unthinkable. Add to that the hunger of shipping companies in recession saddled with massive over-capacity, and business -- any business -- is welcome. Shippers find it easy to cover their tracks. Cargos can be sold between nations several times while still at sea.

South African trader: Probably the goods would be sent to, let's say, the likes of Russia, Madeira, transshipped, put onto different vessels. Letterheads, invoices and so on would be prepared. A Mickey Mouse country of origin would be devised, and it's safe and away.

ROBBINS (voice-over): But working against the sanction-busters, some commodities hard to disguise, like coal. Laboratory analysis can quickly isolate its true country of origin. Last year's coal exports, 44 million tons -- almost a billion pounds in foreign exchange -- could be cut in half, threatening the jobs of 30,000 to 40,000 mine workers.

(on camera) Some boycotts will be hard to beat and will do South Africa real harm. But still, this country knows how Rhodesia weathered sanctions over 14 years -- as long as it enjoyed South African support. And now the Rhodesian experience can be put to work here. Pat Corbin was Ian Smith's big sanction-buster, now ready and waiting in Johannesburg, cynical about the choice of commodities targeted by the West.

PAT CORBIN, chamber of commerce: And there's a matter of trading advantages in the sanction business. You must question the reasons, particularly Australian and Canada. I mean, they aren't the front there, but they're going to benefit. But of course, they play very low key when they're trying to sell us wheat shipments. You probably understand that, don't you.

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ROBBINS: No, I don't.

Mr. CORBIN: Oh, yes. If they've got a cargo that they want to sell to us, they make perfectly sure that sanctions don't apply to that particular commodity.

ROBBINS (voice-over): The sanction-busters both enjoy and despise politics, believing their first law, supply and demand, will triumph in the end. A shadowy trader cites one of his recent deals: a shipment of South African sorghum seed for the Marxist government of Ethiopia, ravaged by famine, but ideologically dead set against such a trade. It was done like this: the money from a North American relief agency was laundered through Europe and sent to South Africa. The grain was shipped direct from the South African port of Durban, only the paperwork was doctored to make it look as though it came from Marxist Mozambique. Did the relief agency know what was going on? Of course, says the trader.

South African trader: They were aware of the truth, but they wanted to get this seed to Ethiopia, and therefore they went along with the slight bending of the rules. Most of them, thank God, are pragmatists and not politicians.

Mr. CORBIN: We will not have any difficulty at all. I have no doubt about that. And we will be able to select the origin of the goods, the type of the goods, exactly what we want. If one's got money, one can buy anything.

Holy War

HUNTER-GAULT: Terrorism and kidnappings continue to dominate the news today. Frank Reed, that American kidnapped in Beirut, was abducted as he was driving from his home in Moslem West Beirut to play golf. A group calling itself the Islamic Jihad or Holy War has claimed responsibility. Calling Reed a new agent for American intelligence, the group said he was arrested in West Beirut with documents that indict him. That brings to five the number of Americans believed held by the Islamic Jihad. The others include journalist Terry Anderson, American University Hospital director David Jacobsen, and American University agriculture dean, Thomas Sutherland. The Islamic Jihad has claimed that they executed a fifth American captive, diplomat William Buckley. The body has never been found. Today's kidnapping brings back into focus questions that we pursue now with a Middle East watcher. She is Raghida Dergham, a New York correspondent for the London-based Middle East magazine.

Raghida, just who is the Islamic Jihad?

RAGHIDA DERGHAM, Middle East Magazine: That is the question everybody is trying to answer. It is a shadowy organization, after all, and we don't know the identify of this Islamic Jihad organization. It could be sub-organizations, it could be front for other organizations. And it's widely associated with the Shi'ites of Lebanon, but it does not represent all the Shi'ites of Lebanon. There are other organizations, amongst which Amal is probably the most famous to you. Insofar as they do have a relationship with the Shi'ites of Lebanon, I'd like to point out a little bit -- a very short history of the fact that the Shi'ites had been underdogs in Lebanon, and they had suffered a lack of recognition. They looked for identify in other places, such as Iran, because they lacked it in Lebanon. They have -- a majority or a great number of the Shi'ites lived in Southern Lebanon, whereby they'd been exposed to consistent

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Israeli raids, so they have suffered quite a lot. But having said that, the Islamic Jihad and such organizations are accused of several things, amongst which that in seeking Iranian identification, it is done at the expense of their Lebanese nationalism. They're also accused of having -- of seeking hegemony over the other groups in Lebanon. And Lebanon, as you know, is a number of minorities where, if one of the minorities seeks hegemony over the others, it is a non-starter to begin with, and it blocks any reconciliation.

HUNTER-GAULT: But basically they are associated with or tied to Iran?

Ms. DERGHAM: It is widely understood to be so. But since we don't know the exact identity of the organization, then, again, other possibilities exist. But it is widely assumed and understood that they are associated with Iran.

HUNTER-GAULT: And they are one group. I mean, we heard about Islamic Jihad last year and other times when there've been these kidnappings. Is there the sense that these are all the same or that there are various cells independently operating?

Ms. DERGHAM: Well, again, because we don't know enough, I can not answer this question. And perhaps especially, I don't know enough, but I also have heard the Islamic Jihad is not exclusive to Lebanon -- that there are other groups which have operated outside of Lebanon in the Islamic world which claimed association with Islamic Jihad.

HUNTER-GAULT: What seems to be their goal?

Ms. DERGHAM: Several, I suppose. I suppose you are asking me in terms of the particular kidnapping. They have identified the United States very much with Israel, due to the policies of the United States government on Middle East issues. So it could be that they are seeking attention. It could be that they are seeking revenge. It could be that, for example, there have been rumors that Israel has -- is planning another offensive in Lebanon. It could be so that -- to shift that tension. I really don't know the answer to the exact motive, but what I can understand is that they have grievances, and yet the expression of these grievances -- the way they're portraying it, in a way -- in many cases it has defied their own purposes.

HUNTER-GAULT: It's been more than a year since there's been any kind of kidnapping of an American citizen. Do you sense that there might be some connection between the recent terrorist incidents in Turkey and Pakistan, which is why this happened now? Or is it totally coincidental?

Ms. DERGHAM: Even the State Department -- I watched the briefing today -- and even the State Department has said that they don't know the identity of the people who have committed the Turkey incident and Pan Am. So I don't really know.

HUNTER-GAULT: It's not --

Ms. DERGHAM: I can not possibly speculate on that.

HUNTER-GAULT: I know you said that there were a number of groups and they were shadowy and so on, but is there any sense that inside Lebanon -- that in Lebanon, there is support for their actions, support for the group?

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Ms. DERGHAM: Maybe there is support for some of the causes they stand for, when it comes to the Middle East issues. Some of them, for example, if it is the plight of the Lebanese themselves, for example, being tired of consistent Israeli raids or for the Palestinian issue itself, is that I think there is as much -- if there is association with them on these issues, there is also -- in general, the Lebanese are rather unhappy with this blanket attack against American cultural institutions -- academic institutions. I've heard many Lebanese -- the majority, I believe -- they object to this -- to the killing of American culture, academic institutions, because it defies the character of Lebanon.

HUNTER-GAULT: But what --

Ms. DERGHAM: Of Beirut, in particular.

HUNTER-GAULT: Excuse me. What about the Lebanese government? I mean, do they have any control at all or any role to play in moderating or --

Ms. DERGHAM: A role -- everybody could have a role. Everybody could contribute. But the Lebanese government, as you know, lacks authority these days. And there is many, many Shi'ites who are operating on their own. And there is an attempt, however, at reconciliation -- reforms, political reforms. Yes, in terms -- Lebanese, amongst themselves, must start to work this out, and they have to start first. But also what is needed is support and contribution from other regional and international powers, including the superpowers, for these efforts at reconciliation.

HUNTER-GAULT: I was about to say that, you know, in the past it's been said that Syria has a lot of authority in the region. What about powers like Syria, like Libya and so on? Do they have any authority, any role?

Ms. DERGHAM: I don't believe Libya has any political authority -- political, I said -- in Lebanon. But Syria, yes. Syria is closely associated with Lebanon, and it is trying. And it is the only player, in fact, on the political front that is trying to play a role in bringing the Lebanese parties together -- factions -- and trying to find a solution for the Lebanese internal problem. But then again, if you point out the Syrian element, again, there is -- the Lebanese themselves must cease to have these marriages of conveniences of several different points. So it is a contribution of the Lebanese which should be the paramount one in reaching anything for Lebanon.

HUNTER-GAULT: Just very briefly, since the U.S. seems to be such a target here, what is it that your sense is that they might be expecting from the United States now?

Ms. DERGHAM: Oh, they want -- I mean, I know what they would -- not only this particular group, but I know the majority of the Middle East; governments, people, organizations -- they want a different United States policy on the issues related to the Middle East. I mean, the United States is perceived as the godfather of Israel. Israel launches all its attacks and offenses with American weapons. So all the masses of the Middle East and governments would like to see a more sympathetic U.S. position towards their causes; not only an adoption of Israeli positions -- blanket adoption. So I don't know if this is the way that this is what they are trying to say to the United States or not. I don't know if they're trying, but there is a message to the United States

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government. I don't know if this is the way to tell it.

HUNTER-GAULT: All right. Thank you, Raghida Dergham, for being with us.

Campaign '86: Senate Sweepstakes

LEHRER: Now to some talk about U.S. politics and what is at stake in this off-year year of U.S. Senate and other important contests. Judy Woodruff has more. Judy?

WOODRUFF: With this year's elections only nine weeks away, candidates across the country are already deeply engaged in their campaigns. The races getting most of the attention are those for the U.S. Senate, because of the possibility that Democrats could win back Senate control from the Republicans. To do so, Democrats would have to have a net gain of four seats.

{voice-over} Of the 34 Senate seats up this year, 22, or two thirds, are held by Republicans, leaving them heavily exposed. Among the most vulnerable is Senator Paula Hawkins of Florida, who is facing a stiff challenge from the current Democratic Governor Bob Graham. And in South Dakota, Republican Senator James Abdnor is lagging behind Democratic Congressman Tom Daschle, who is pressing hard on farm issues. Among the 12 Senate seats currently held by Democrats, there are also some vulnerable spots, particularly in those states where the Democrat incumbent is retiring. In Missouri, the race to replace Senator Thomas Eagleton is now leaning in favor of the former Republican Governor Kit Bond over Democratic Lieutenant Governor Harriet Woods. Meanwhile, in California, Democratic incumbent Alan Cranston is facing his toughest opponent in four elections -- Republican Congressman Ed Zschau.

{on camera} Senate Republicans who need his help can virtually all count on a visit from President Reagan. With some 18 political road trips already under his belt, most of them for Senate candidates, the President made an appearance this week in California for Congressman Zschau.

Pres. REAGAN: The election of Ed Zschau and control of the United States Senate is absolutely critical to the future of this country. If there was ever time for a maximum effort, that time is now.

WOODRUFF: On his way back from California yesterday, the President stopped in Colorado, where Republican Congressman Ken Kramer is in a dead heat with Democratic Congressman Tim Wirth in the race to fill the seat being vacated by Democratic Senator Gary Hart.

Pres. REAGAN: I didn't go to Washington to be a six year President. I didn't seek reelection just to protect the gains of the first term. There are too many exciting challenges still before America and too much business that still must be completed in these next two years. And I don't want my hands tied by a totally hostile Congress.

WOODRUFF: To help us look at some of these races and the rest of the political landscape this fall, we have joining us two veteran political observers. First, Ed Rollins, who managed President Reagan's reelection campaign in 1984 and is now a private Republican consultant. And Kirk O'Donnell, president of a Democratic think tank called the Center for National Policy. He was formerly the chief political adviser to House Speaker Tip O'Neill. Well,

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gentlemen, when the President talks about a totally hostile Congress, he's saying, that is, if the Senate goes Democratic, as the House is certain to go once again. What are the chances the Senate's going to go Democratic? Ed Rollins?

ED ROLLINS, political consultant: Well, I think it's certainly going to be a very difficult, uphill battle for the Republicans to hold control. If the election were held today, they'd probably have a one or two seat margin. But with eight or nine weeks to go and with so many incumbents to protect, they've got to win those open seats the Democrats have in order to maintain that control.

WOODRUFF: So you're saying if the election were held today, the Republicans would come out ahead, but --

Mr. ROLLINS: It would be very slim.

WOODRUFF: Kirk O'Donnell?

KIRK O'DONNELL, political analyst: Well I would say that if the election were held today, that the Democrats would probably come out ahead by a very slim margin.

WOODRUFF: What about on election day?

Mr. O'DONNELL: Well, I think it's a toss up.

WOODRUFF: What difference does it make if the Senate goes Democratic?

Mr. O'DONNELL: I think it makes a big difference in terms of setting the agenda. Namely, the Democratic Senate could set the agenda in the same way that the Democratic House does today. For example, the President talked about a hostile Congress, but he came back to Washington to meet with the leadership of the Democratic House, the bipartisan leadership from Congress. And the House was already moving on a bipartisan drug bill that's going to be considered tomorrow. So setting the agenda on issues like arms control would be very important.

WOODRUFF: How important is it that the Senate stay in Republican hands?

Mr. ROLLINS: Well, I think it's very, very important. I think, you know, first of all, Ronald Reagan is going to continue to try and set the agenda whether he has a Republican Senate or not. But I think it is very, very important to have allies in the Senate, to have the leadership of the committees, in order to try and move his agenda. If we had to deal only with the Democrats in the House and like-minded people in the Senate, I think the President would have had a great deal of difficulty in achieving some of the great successes that he's had over the last six years.

WOODRUFF: I'm asking, because there's at least one political analyst who's been quoted in the last week or so as saying that it doesn't really make all that much difference, because whoever's elected -- Republican or Democrat -- is going to be reflecting the views of the same constituents.

Mr. ROLLINS: Oh, I don't think that's true at all. I think those committee chairmanships are so very, very important. You know, you can just imagine the

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President trying to get through the Supreme Court nominations with Senator Kennedy from Massachusetts being the chairman. It would be very, very difficult. And I just think it's just crucial for us to hold that Senate.

WOODRUFF: Let's talk about some of the important races. Kirk O'Donnell, where would you say the Republicans -- which seats would you say the Republicans have the most to worry about in the Senate?

Mr. O'DONNELL: Well, I would agree with your assessment of the two seats in terms of Florida and South Dakota. I think they have to worry about North Carolina. They have to worry about Nevada. They have to worry about an open seat in Maryland. They have to worry about Idaho. I think Oklahoma and Georgia are looking much better for the Democrats these days.

WOODRUFF: Would you buy that list?

Mr. ROLLINS: I would buy that and maybe add one or two more. But I do want to state this: as of today, in any polls -- public polls or private polls -- the two incumbents that you mentioned are trailing. Both are very strong candidates and, I think, can come back. The three open seats on the Democratic side -- Missouri, Colorado, Louisiana -- are crucial to the Republicans holding the Senate. Today, I would say we're ahead in two -- close margins -- and dead even in one. I think there's no question the Republican open seats -- Nevada, Maryland -- are going to be very, very tough battles, but we have some outstanding candidates there, and I think we have some chances there.

WOODRUFF: Do you two agree on the seats the Democrats have got to hang onto?

Mr. O'DONNELL: Sure. Start with all the incumbents.

Mr. ROLLINS: First of all, I think one of the great disappointments to us is that there aren't more Democratic incumbents who are up this time, and certainly those who are are in pretty good shape. There's not a Democratic incumbent behind today, which is unfortunate.

WOODRUFF: Is there --

Mr. O'DONNELL: That's your point of view.

WOODRUFF: What was that? I missed that.

Mr. O'DONNELL: He says it's unfortunate.

WOODRUFF: Is there an overriding national issue or issues that will affect most or many of these races?

Mr. ROLLINS: To date there is not a national issue. In eight weeks, nine weeks, a lot can occur. I think the key concern of most Republicans is if the economy is perceived as going into a stale period and the Democrats can make that an issue -- that we're going to go back into recession, even though we're not -- that may have an effect on one or two percentage points. And really all you're talking about is a change in the environment of one or two percentage points, and quite a few seats could go down.

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WOODRUFF: Do you buy that, Kirk?

Mr. O'DONNELL: Clearly, the Democrats are trying to focus and regionalize, at least in those states -- maybe 31 states -- that are suffering from sluggish economy at the moment a message. And the theme being that you don't need more of the same. You don't need someone who's going to come to Washington and follow the leader. This is an effort that has just begun over the last couple of weeks, and I think it will be critical to Democratic success in November.

WOODRUFF: Do you -- is that a smart --

Mr. ROLLINS: Well, it's certainly -- it's a good strategy, but I'm not sure it's a strategy that will work. You take one of the most heavily economically stressed areas of the farm community of this country. Someone like Bob Dole, someone like Chuck Grassley have been extremely effective spokespersons for their point of view and have differed with the President sometimes on agricultural issues, and I think are going to win overwhelmingly. So I don't think in every area it's going to work.

WOODRUFF: But in some.

Mr. O'DONNELL: Clearly, it's a major factor in North Dakota, and it's a major factor, obviously, in South Dakota. And it can be a factor throughout all the farm states. I would like to make the point that Ed Rollins did a terrific job in 1984 in putting forward a national theme -- that it was morning in America. In 1982, the Republicans had a clear national theme -- stay the course. In 1980, they had a strong theme, which was vote Republican for a change. I think in 1986, running theme-less, they've given advantage to the Democrats, because Democratic strength is, by definition, local strength in this country. And their inability to come forward with a theme is a serious deficiency in this election year.

WOODRUFF: Are the Republicans running theme-less, Ed Rollins?

Mr. ROLLINS: Well, I think the President's agenda clearly is the theme that most Republicans are running on across the country. But I think the advantage is --

WOODRUFF: Well, wait a minute. Let me stop you there. Is that a plus or a minus?

Mr. ROLLINS: I think it's a plus in the sense that the President still holds very high popularity numbers. Traditionally, in the sixth year, an incumbent President usually is a drag on the ticket -- a drag on the ticket. This President is very popular, and I think that his ability to raise money and his ability to campaign -- he will probably save one or two incumbent senators by his last minute visits this year, and I think that's very important.

Mr. O'DONNELL: His personal popularity is not a theme, though. He's --

Mr. ROLLINS: Well, his programs are, and I think --

Mr. O'DONNELL: Well, but his -- the situation he has at the moment is that he's seeking bipartisan support for his revenue program, which is tax reform. You have bipartisan cooperation in Congress on spending. So the refrain that

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you've heard for years, which is an effective refrain -- tax and spend -- is not available to him as he travels around the country this time.

Mr. ROLLINS: Well, I think there's no question, Kirk, if the Speaker and you were still setting the agenda, we'd still be spending more and taxing more. But I think the key thing is that the President's popularity has got the Republican pool of support higher than it's ever been before. And I think it becomes very, very important that he mobilize voters. And I think the key to this election is going to be what kind of turnout is there? Is there any great enthusiasm on the part of your voters or our voters? And if there is not, then who knows what's going to happen?

WOODRUFF: Is he going to go around and help every single Republican senator?

Mr. ROLLINS: Well, he can't possibly help every Republican senator, but he is

WOODRUFF: Well, I mean the ones who are in tough races.

Mr. ROLLINS: There's no question. He already has. He has done more than any president in modern history. In '82 he had done more. He exceeded that in early '85. '86 he's already surpassed that. So I think there's no question he's going to go to the maximum.

Mr. O'DONNELL: Well, he did it in '82 in North Carolina, and it didn't have

Mr. ROLLINS: Did it in Nevada in '82, and --

Mr. O'DONNELL: -- the sort of effect he'd like. And he won 377 House districts in the campaign that you managed in 1984. And he had virtually no coattails. So as long as he's going out and personalizing it, as he has in his speeches so far, I think he's missing the boat.

Mr. ROLLINS: Well, I don't think he's -- I think that he clearly is going to help some incumbents, and that's the key factor. He has raised -- one of the advantages that certainly is going to make a difference is the fund-raising ability of the President, and he went out and raised a million and a half dollars for Ed Zschau the other day, put some momentum in his campaign, raised \$800,000 for Ken Kramer yesterday. That certainly is going to have an effect.

Mr. O'DONNELL: Sure does.

WOODRUFF: You don't dispute that. What about --

Mr. O'DONNELL: I would make a point -- that that fund raising isn't going into generic advertising by the Republican party to put forward a theme in this campaign.

WOODRUFF: Generic -- you mean national.

Mr. O'DONNELL: Right.

WOODRUFF: What about -- a couple of people have -- it's been written recently that this anti-drug effort that's underway, both on the part of the Democrats

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and the Republicans, may turn out to be an issue. Do you -- either one of you think it will?

Mr. ROLLINS: There's a tremendous concern among the American public among drugs. I think both Democrats and Republicans are out there advocating tough drug programs, and so I don't think, unless an incumbent member of Congress or challenger has a record of weakness somewhere and supported legalizing marijuana or not tough on drug enforcement, will it be an advantage to anyone.

WOODRUFF: You go along with that?

Mr. O'DONNELL: I think it will be local. And I think, again, this is another example of how differences are not being defined between Republicans and Democrats -- namely, that this is a bipartisan approach that Congress is taking, and therefore doesn't lend itself to a national theme.

WOODRUFF: And you're saying neither side really helps in that.

Mr. ROLLINS: We feel bipartisanship works much better if we have a Republican Senate.

Mr. O'DONNELL: We like it with a --

WOODRUFF: Ed -- we know what you were going to say. Ed Rollins, Kirk O'Donnell, thank you both for being with us.

Mr. O'DONNELL: Thank you very much.

Fumes at Work

LEHRER: Finally tonight, a report on the ongoing battle between smokers and nonsmokers. It's over turf -- specifically, efforts to ban smoking in the workplace. One sharply fought battleground is in the state of Washington. Lee Hochberg of public station KCTS, Seattle, has more.

LEE HOCHBERG (voice-over): On an average workday in Seattle, white collar workers cluster on the sidewalk, forced out of their offices to light up -- outside insurance companies and hospitals and television stations.

Smoker: I don't mind. It's cut down my smoking.

HOCHBERG: It has cut down your smoking.

Smoker: Cut it in half.

Smoker: I don't think it's a very professional look for the company to have people huddled around smoking outside. I think it's very juvenile, actually. Reminiscent of high school days.

HOCHBERG: What if they forced you outside to smoke?

Smoker: Somehow or another, that never has seemed to me to be constitutional. It's a legal activity. It's not illegal.

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HOCHBERG (voice-over): That's the position of the tobacco industry, as suggested by a spokeswoman on a recent Seattle television program.

(clip from NightSight)

ANN BROWDER, The Tobacco Institute: We're saying it's a legal and lawful product, and anyone who chooses to use the product should be able to use the product. That's all that we're saying. We're saying that there should be efforts within the workplace, consideration given to the smokers as well as the nonsmokers. And that's a situation that should be worked out within the individual workplace. We don't think that there should be any type of uniform law restricting the use of tobacco products.

HOCHBERG (voice-over): But legal experts say companies are within their rights to force cigarette smokers outdoors. The constitution prevents states from acting in certain ways, but not private employers.

CORNELIUS PECK, University of Washington: We all admire those wonderful, free spirits who feel so good and happy when they work that they love to whistle while they work, but if the employer decides that that interferes too much with the production in the plant, the employer most certainly may say, "There's no whistling while you work in this plant." They say the same thing about smoking.

HOCHBERG (voice-over): With the law on their side, hundreds of Seattle companies have snuffed out smoking. The Northwest's largest employer, the Boeing Aerospace Company, is gradually imposing a total ban on smoking for its 112,000 workers. At the Seattle Times news room, cigarettes, cigars, pipes have been prohibited ever since these two reporters pushed for a no smoking policy two years ago. They say they were fed up with their colleagues who refused to use desk-top air purifiers provided by the management.

CAROL OSTROM, Seattle Times: You know, I don't want to work -- have to be sick in order to work. I don't think the Times wants me to have to be sick to work either.

HOCHBERG (voice-over): The Times say there's no indoor space with adequate ventilation to serve as a smokers lounge. So now Times journalists who smoke have to find another way to work off news room tension, like chewing gum. Or they have to find their way to the fire escape. Here, accompanied by the whir and whine of motors and air compressors, they can enjoy a quick smoke. And smoking on the fire escape can mean braving rain, snow and wind.

RICK RAPHAEL, Seattle Times: In the winter, this is really rough out here. The only salvation for us is this. This is exhaust, and it gets warm, radiates heat, so we stay warm out here.

HOCHBERG: So you huddle close to the chimney here.

Mr. RAPHAEL: Oh, yeah. It's funny. It's really funny, you know. You get out here, and there will be five or six people out here smoking cigarettes, and they're jockeying for space up against the wall to stay warm.

HOCHBERG (voice-over): But, even banished to the fire escape, some smokers see a positive result.

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Mr. RAPHAEL: I was smoking two packs of cigarettes a day when I got here. I'm smoking about a pack of cigarettes a day now.

HOCHBERG: So it's helped.

Mr. RAPHAEL: Oh, it's helped. Yeah.

RICK ANDERSON, Seattle Times: Every step like this reduces the attractiveness, the attraction of smoking. Every step like this adds to the sort of psychic costs of the habit.

HOCHBERG (voice-over): By discouraging employees from smoking, the Seattle Times says it's saving on health care costs, though it doesn't yet know how much. Its smoking policy does help it retain its preferred status on property casualty insurance, and that saves the paper upwards of \$200,000 a year.

Therapist: How bad is it?

Smoker: It's awful. Disgusting.

HOCHBERG (voice-over): The benefits to employers are so great that many of them are spending thousands of dollars to help their employees kick the habit. They're employing the whole gamut of treatment programs: hypnosis, psychoanalysis and, here at the Schick Center in Seattle, aversion therapy. In this program, a smoker is shut into a dirty, smoky, little booth. Electrodes clipped to an arm deliver electric shocks as the smoker is required to quick-puff cigarettes until her mouth is uncomfortably hot. It's all intended to associate smoking with unpleasant sensations, so the smoking employee loses the craving to smoke.

Therapist: Is the impulse on your arm strong enough? Is it irritating?

Smoker: I probably could use it a little higher.

Therapist: Okay.

HOCHBERG (voice-over): More than 20 companies around Seattle are putting employees through the program at \$345 per person. In just one year, corporations have paid Schick \$130,000 to get their employees off smoking. And, bizarre as the treatment may be, Schick says more and more employees are lining up to take it. That may be the most surprising part of this anti-smoking trend -- how willing smokers have been to accept the no smoking policies; indeed, to take advantage of them to help them break the habit. It's an attitude that makes anti-smoking crusaders like Bill Weiss and Bob Rosner confident that smoke-free workplaces will soon be the rule; not the exception.

BILL WEISS, Smoking Policy Institute: The notion that there are a bunch of militant, you know, fist-pounding smokers out there screaming rights issues is a fallacious notion. That simply is not the case.

BOB ROSNER, Smoking Policy Institute: This is something that people are going to have to get used to -- that the ashtray in the corporate environment is going to be as rare as the spittoon is. Smoking is on its way out.

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HUNTER-GAULT: Again, today's top news stories. Another American, 53 year old Frank Reed, the director of a small, private school in Beirut, has been kidnapped. It brings to five the number of Americans believed held by the Islamic Jihad, or Holy War. A Soviet physicist working for the United Nations was formally indicted in spying charges by a grand jury in New York. And the American correspondent in Moscow apparently being held in retaliation on similar spy charges told his wife he fears Soviet-American tensions are escalating dangerously. Good night, Jim.

LEHRER: Good night, Charlayne. We'll see you tomorrow night. I'm Jim Lehrer. Thank you and good night.

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LEVEL 1 - 50 OF 55 STORIES

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Fortune

September 15, 1986, Domestic Edition

SECTION: MANAGING; Pg. 42

LENGTH: 1335 words

HEADLINE: THE DRIVE TO KICK SMOKING AT WORK

BYLINE: by Dexter Hutchins; REPORTER ASSOCIATE Edward Prewitt

HIGHLIGHT:

Now there's a new issue to worry about: What's your policy for dealing with smoking in the workplace? Under pressure from nonsmokers and new laws, some companies ban it entirely -- and more and more are helping employees to cut down.

BODY:

DRIVE PAST Greyhound's Phoenix headquarters on a sweltering late-summer afternoon and you will see a crowd of people standing on the sidewalk. They are all smoking, and they look a little sheepish. What's going on? Simple: On September 1 Greyhound banned smoking in its offices, so employees must step outside to light up. Not all smokeless companies put people on the street. Group Health Cooperative of Puget Sound, a big HMO, ruled out cigarettes, pipes, and cigars in all of its hospitals, clinics, and offices, but did not have the heart to drench smokers in Seattle's frequent rains. Instead the company put up bus-stop-like shelters outside. At the Seattle Times employees who want to smoke step onto an outdoor catwalk.

Smokers are not only a minority, at 29% of the work force, but an increasingly unpopular one. Soon people who smoke may no longer be welcome on domestic airline flights. The Association of Flight Attendants will probably support a recent recommendation by the National Academy of Sciences that the lines ban smoking. Continental Airlines will cut fares by 10% for nonsmoking passengers.

More and more, managers are faced with the question of what to do about employees who light up. Laws in ten states and nearly 150 municipalities limit smoking at work; among the states considering new regulations are New York, Massachusetts, and Rhode Island. The rules do not get besieged managers off the hook, however, since they usually forbid smoking only in hallways and other communal areas. Even in cities with the strictest laws, companies still must decide whether to allow smoking in offices.

Many companies are acting voluntarily, or doing more than the laws require, either in response to protests from nonsmokers or because top executives have been zealous in taking up the cause. The Bureau of National Affairs, a private research organization, reports that only 8% of U.S. corporations restricted smoking five years ago. Today 36% do. Another 23% are considering some kind of policy governing whether, where, and when employees may light up.

A few firms, mostly tiny, refuse to hire smokers. One is Vanguard Electronic Tool of Redmond, Washington. President Warren McPherson started the policy ten

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years ago after watching his mother, a heavy smoker, die a painful death from cancer. "I was angry," he says. "I just believe smoking is an avoidable risk." What if such a company catches a putative nonsmoker puffing away in a restaurant or on the back porch at home? Business has yet to confront that question. But a federal court last year upheld the sacking of an Oklahoma City fireman who was seen smoking off the job in defiance of the department's nonsmokers-only hiring policy. Employees who seek to fight such dismissal are likely to be out of luck: Courts have been reluctant to rule against employers, while unions have decided that they would rather not get involved.

It is easy to see why. In 1984 Group Health Cooperative of Puget Sound banned smoking without consulting the local union, even though the move was a change in working conditions and arguably subject to bargaining. Among the workers, a bitter dispute ensued: Smokers demanded that a grievance be filed, but nonsmokers protested. When the matter was put to a vote, the nonsmoking majority won. Says Elliott Willman, the local's executive vice president: "We have determined we will not take these kinds of grievances in the future." Nor are lawsuits the answer. Notes R. Lawrence Ashe Jr., a Washington, D.C., attorney who represents the Tobacco Institute: "Smokers would be hard pressed to find a legal theory that gives them the right to smoke." Nonsmokers, he adds, do not have a constitutional right to clean air in the office.

SOME MANAGERS have chosen to set a few sketchy guidelines and let staffers hash out the details among themselves. That does not always work. Texas Instruments tried to placate its antismoking contingent by cordoning off a smoking section in the company cafeteria, using the movable rope barriers seen in bank lobbies. But nonsmokers clashed with smokers, whom they accused of moving the ropes. As battle lines are drawn between smokers and their more health-minded foes, such imbroglios could become routine. So what is a manager to do? Among companies that have grappled with the problem, a few insights are emerging.

The most successful antismoking programs seem to have taken hold in the West. Seattle in particular is a hospitable city for nonsmokers, due to the influence of the Smoking Policy Institute at Seattle University. It was the first organization in the U.S. to offer guidance to companies on how to rid the workplace of tobacco smoke. Robert Rosner, the Institute's executive director, notes that it cannot be done overnight. He recommends giving smokers 90 days' warning, while offering workshops to help them quit.

When setting their policies, many companies use in-house statistics on smokers. Boeing chose its computer services and electronics divisions to be the first to ban smoking because fewer workers -- only about 25% -- smoked there than in other parts of the company. Boeing executives say they may have more trouble at manufacturing divisions. In some plants 40% of the employees smoke, and many work stations are a long way from the nearest exit. Obliging a worker to take a 15-minute break every time he or she wants a cigarette would hurt productivity.

In any antismoking campaign the chief executive's support is essential. Greyhound Chairman John Teets is an exercise buff who uses the company's new smoking ban as part of a larger policy to promote employee health. Teets, who walks up to his 19th-floor office every morning, coaches stair-climbing contests for staffers. He is convinced that nonsmokers "are more active and have fewer health problems." To encourage employees to quit, and no doubt improve their

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chance at a gold in stair climbing, Greyhound offers a choice of four free quit-smoking workshops to employees and dependents.

Companies making progress toward a smoke-free workplace take pains not to antagonize smokers. "You must never say that smokers are the targets," says Rita Addison, president of Clean Air Associates, a Boston consulting firm. "Instead appeal to people's instincts to make changes for the good of everybody." Such pleas stand a better chance than skeptics might suppose. According to surveys, at least half of all smokers want to quit, and a surprisingly big majority of them claim they favor restrictions at work.

If employees balk, consultants counsel patience. Says Regina Carlson, executive director of the New Jersey Group Against Smoking Pollution (GASP), a nonprofit advocacy organization: "There are three stages in most smoking policies. Managers are very apprehensive to start. Then the program goes over more smoothly than they anticipated. And, in the end, they are flooded with positive response from their employees." The experience of New Jersey Bell supports Carlson's contention. The telephone company's management expected resistance when it started its antismoking program last September, since one-third of its 21,000 employees smoked. But, says G. P. Bisgeier, the company physician, "we've had very few complaints. It's been a gradual and painless change."

Conspicuously absent from most current discussions of corporate smoking policy is the basic question of smokers' rights. Is forbidding smoking even in a private office, where it harms no one else, a justifiable infringement of a smoker's civil liberties? Managers bent on respecting individual choice might consider following the example of PepsiCo, whose policy can be summed up in two sentences. Says James Griffith, PepsiCo's vice president for public relations: "It is a matter of common sense. If you know somebody is particularly sensitive to smoke, don't smoke in that person's office." That will not be enough to satisfy militant antismokers, but a little courtesy can help clear the air.

GRAPHIC: Picture 1, Like furtive high schoolers, employees at the Seattle Times sneak outside to smoke. PHOTOGRAPHS BY RICH FRISHMAN; Picture 2, Doused cigarettes attest to the nonsmoking policy at Boeing in Bellevue, Washington. PHOTOGRAPHS BY RICH FRISHMAN

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LEVEL 1 - 49 OF 55 STORIES

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October 12, 1986, Sunday, Home Edition

SECTION: View; Part 6; Page 1; Column 1; View Desk

LENGTH: 2237 words

HEADLINE: THE SMOKING LAMP IS DEFINITELY NOT LIT;
FIRMS IN NORTHWEST LEAD NATION IN IMPOSING TOTAL BAN ON LIGHTING UP IN THE
WORKPLACE

BYLINE: By ALLAN PARACHINI, Times Staff Writer

DATELINE: SEATTLE

BODY:

It begins, almost furtively, every weekday when the lunchtime rush starts and some of the 3,000 employees who work in the downtown headquarters of Pacific Northwest Bell step out at street level onto a pleasant plaza.

Instead of rushing off to nearby restaurants like their co-workers, they stop on the plaza, pull out cigarettes and light up. It has become a daily ritual since last October when Pacific Northwest Bell became one of the first big companies in the nation to institute a ban on all smoking.

In Pacific Northwest Bell's case, this includes 15,000 workers, in 800 buildings spread across Washington, Oregon and northern Idaho.

There is not a single smoking lounge, not one smoking area and no exceptions for executives in private offices. The company cafeteria is entirely smoke-free, just like everywhere else. Pacific Northwest Bell smokers must go outside to do so -- directors and vice presidents included, thank you very much.

Variety of Programs

For those who want to quit, the company will pay the cost of any of a variety of smoking cessation programs -- including aversion therapy, acupuncture and hypnosis -- for any employee or employee's family member. So far, the bill for the nearly 1,300 workers and more than 350 family members who have enrolled amounts to more than \$250,000.

There's still a little grumbling among tobacco-using workers. Some of the smokers puffing away at lunchtime on a recent sunny day griped about the company's decision not to provide even a single smoking lounge. But, by the same token, there appeared to be at least grudging acceptance -- even by the smokers -- that what the phone company has done here is for the best.

And Pacific Northwest Bell is less and less unusual in its aggressive and complete ban on smoking. Spurred by concern over health and accident insurance costs -- smokers ring up far larger hospital bills and pose twice the risk of on-job accidents as non-smokers, according to a number of studies -- companies here in the Northwest and, increasingly, across the country are discarding complex smoking policies in favor of a simpler dictum: Don't.

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The appeal to the bottom line has been intensified by a variety of studies -- some of them conducted at the Smoking Policy Institute, an independent foundation that began its existence not in a medical institution but at the Albers School of Business at Seattle University.

The research has concluded that unnecessarily increased insurance costs, absenteeism, reduced productivity and other factors mean that a smoking worker cost his or her employer \$4,500 more each year than a non-smoker. But the Smoking Policy Institute estimate is higher than those made in other studies, which have pegged the direct costs per smoker at between \$336 and \$601 a year.

Total Ban Studied

Boeing Co. has already eliminated smoking in subsidiaries that employ 16,000 of its 113,000 workers and is studying a total company-wide ban. Boeing started studying the issue after one of its top officers told some of his subordinates that he couldn't understand why the company had so-called "clean rooms" for its computers but wasn't as fastidious about what its human employees breathed.

Boeing is especially sensitive to an analogy about smoking drawn often by Neal Sofian, a smoking policy consultant at Group Health Cooperative of Puget Sound, a large health maintenance organization here. Group Health has developed a side business helping corporations eliminate smoking on the job. Sofian likes to observe that smoking kills 360,000 people a year -- the equivalent of three Boeing 747 jetliners crashing every day.

In 1984, Group Health eliminated smoking in two of its three hospitals, except in small separately ventilated rooms that are available to workers on the night shift only because the health centers in question are in neighborhoods where stepping outside after dark might not be safe.

The trend to not just limiting, but wiping out smoking in the workplace, has spilled over into the news business. The biggest local paper, the Seattle Times, and two of the city's major television stations have banned smoking by all of their workers.

The Times was joined by the smaller Seattle Post-Intelligencer and the Denver Post and, in each case, papers have continued to be delivered and programs have been broadcast without interruption.

And the movement seems to be gathering momentum. On Sept. 29, for instance, the 2,700 employees at the Thousand Oaks, Calif., headquarters complex of General Telephone of California were notified that, effective Jan. 1, smoking will be prohibited except in a small area of a cafeteria that has its own ventilation system.

General Telephone, a spokesman said, will study ways it may extend the total smoking ban to all of its 25,000 workers.

Phased Program

And two days after General Telephone's announcement, Seattle's Rainier Bancorp., with 5,700 workers in offices in six states -- Washington, Alaska, California, New York, Oregon and Arizona -- eliminated smoking completely when the last step became effective in a phased program that began a year ago. The

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Rainier policy applies to workers only, but a state law here had already made it illegal for customers to smoke in banks.

Last June, the Bureau of National Affairs, a private, Washington-based consulting firm, released results of a national employer survey that found 40% of 662 U.S. companies polled banned smoking in all open work areas, with 6% prohibiting smoking anywhere on company property. The survey found most smoking policies had been adopted in the last five years but did not speculate on the pace of the trend toward complete work-site smoking prohibition.

So far, Pacific Northwest Bell remains perhaps the most significant example of a big company that chose complete work-site abstinence as the best available method of ridding itself of what had been an ongoing worker controversy over who could smoke, how much and where. As such, said Robert Rosner, the Smoking Policy Institute's executive director, Pacific Northwest Bell is representative of the dilemma smoking has become for thousands of American companies, large and small.

Both Rosner and Sofian agreed that in cities like Los Angeles and San Francisco, where companies have implemented smoking control policies to conform to recently enacted local smoking ordinances, firms often follow local laws rather than taking more stringent action.

(The Los Angeles Times, which, like the Denver Post is a subsidiary of the Times Mirror Co., has a policy that permits smoking in portions of open work areas and restricts smoking in some areas, including elevators and part of a company cafeteria.)

'The Bottom Line'

"Pacific Northwest Bell is very important," said Rosner, who helped the company form its no-smoking policy, "because the bottom line is that we don't normally tend to think about the phone company as being a leader in social issues like this."

Pacific Northwest Bell, Rosner noted, is symbolically more important than hospitals and other health facilities that ban smoking because the public, he contended, increasingly expects medical enterprises to eliminate smoking. In Southern California, Loma Linda University Medical Center has never permitted tobacco use and, this past August, Harbor-UCLA Medical Center imposed a complete smoking ban, too, in a program that could see the same strictures extended throughout the county hospital and clinic system, a spokesman said.

For the phone company here, though, the issue began to come to a head in January of 1983, recalled Len Beil, PNB's manager of human resources planning. Like many companies, PNB had undergone the internal turmoil of trying to shape a smoking policy that would satisfy both smokers and nonsmokers. Smokers constituted just 28% of the firm's workers, a company survey found.

PNB had decided to permit individual departments to vote on their own smoking rules, only to find, Beil recalled, that smokers in departments that severely restricted tobacco use would simply walk to a nearby less-restrictive department to light up. "We had been flooded with letters to our officers and communications to our employee suggestion program," Beil said.

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Smoking at PNB had become what it is at many companies -- the most emotional routine employee issue of all. "One year, we even gave away 10 turkeys to people who would quit cold turkey," Beil said. "But finally, we realized we just had to do something more."

A Reformed Smoker

The cause was helped greatly, Beil said, by the fact that PNB's up-from-the-ranks president, Andy Smith, is a reformed -- previously heavy -- smoker who once flicked ashes out the window of a company car while driving across a bridge near Astoria, Ore., and discovered when he got to the other end that the ash had blown into the back seat and the vehicle was ablaze.

Terrified he would be immediately fired, Smith doused the fire and avoided discharge. Eventually, Beil and Rosner said, Smith quit smoking, became president and came to perceive the ongoing controversy over smoking as simply an unnecessary waste of his time.

In 1984, PNB formed an employee committee to study its smoking policy situation, relying on a formula Rosner said is increasingly common: Instead of according smokers and non-smokers equal voice on the committee, the phone company named smokers, non-smokers and former smokers to the group in equal numbers, deciding that was more representative of the employee population.

Among the issues the company had to face was an argument it had long heard: That people have a legal right to smoke on the job and that any company overly restricting that right might face litigation from its workers. But what the company, Rosner's foundation and Group Health all eventually concluded, through legal research, was that the concern was ill-founded.

'It Is a Privilege'

"Smoking is clearly not a right; it is a privilege," Rosner said. "It can be extended to workers by a union contract or by the employer. In fact, the group with the best grounds to sue you is the non-smokers."

(Even the Tobacco Institute, the Washington lobby for the cigarette industry, does not believe there is a necessarily guaranteed right to smoke. Walker Merryman, an institute spokesman, complained, however, that bans on smoking and refusal to hire smokers often go hand in hand -- a question, Merryman said, that raises civil rights issues. "It would seem to me that you might very well be sacrificing some employee morale and productivity through a ban on smoking, simply by virtue of the fact that those who enjoy smoking are going to find opportunities to do so during the work day," Merryman said.)

Still, PNB feared forceful action might bring about a confrontation with the unions that represent the vast majority of its employees -- especially the Communications Workers of America, which has 8,000 members in the company. In April of last year, though, the CWA regional headquarters distributed a memo to the presidents of all union locals acknowledging that PNB proposed to ban all smoking and signaling that the CWA would not launch any fight for smokers' rights because doing so might expose the union to lawsuits by non-smokers -- court action the union could not win.

Surprised by Union Decision

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PNB, Beil said, was surprised by the union decision but recognized that it cleared the last obstacle to total elimination of smoking.

Harry Ibsen, the CWA's district vice president, said the union successfully pressured management to pay the entire cost of smoking cessation programs for all of its workers -- a characterization with which Beil agreed. "We had a lot of our own members telling us they wanted something done about smoking," Ibsen recalled.

Remarkably Few Incidents

The smoking ban went into effect on Oct. 15, 1985, three months after it was announced. Except for some scattered protests, Beil and the CWA said, implementation of the new policy was remarkably incident-free. Of 15,000 employees, just 42 filed formal protests, with some of those later retracted.

"From my perspective, it went fairly swimmingly," said Annette Fehrenbach, a psychologist who works as a consultant in PNB's employee health department.

The policy bans smoking in all PNB buildings but permits it in some company vehicles under some circumstances. Crews working outdoors are not included in the ban. Both of those exceptions were made because of what PNB said would be extreme difficulties in enforcing the ban in moving trucks and at remote job sites.

Watched With Interest

PNB's parent firm, Denver-based US West, watched PNB's program with great interest -- especially because US West management was concerned that smokers on its own board of directors might balk at extending the strict PNB policy throughout the company. As things turned out, said Bill Ingram, a US West personnel executive, that opposition failed to materialize.

Within the last month, US West has restricted smoking in its four-floor Denver headquarters offices to one room on each floor -- with each room removed from the common building ventilation system so smoke is not blown to the work stations of non-smokers. Northwestern Bell, another US West subsidiary, is currently implementing strict smoking policies in the five states where it does business.

GRAPHIC: Photo, Pacific Northwest Bell psychologist Annette Fehrenbach, standing, with workers smoking outside company headquarters. ; Photo, Neal Sofian of Group Health Hospitals explains his company's own no-smoking policy. ; Photo, Hospital employee lights up on loading dock outside job site. ; Photo, Robert Rosner of Seattle's Smoking Policy Institute claims the ash tray will soon be as obsolete as the spittoon. MARSHA TRAEGER / Los Angeles Times; Los Angeles Times

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LEVEL 1 - 48 OF 55 STORIES

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The MacNeil/Lehrer NewsHour

November 14, 1986, Friday Transcript #2905

LENGTH: 9633 words

HEADLINE: Fallout;
Second-Hand Smoke

BYLINE: In New York: ROBERT MacNEIL, Executive Editor; In Washington: CHARLAYNE HUNTER-GAULT, Correspondent; GUESTS: In San Francisco: ZBIGNIEW BRZEZINSKI, Former National Security Adviser; In Washington: Rep. LES ASPIN, Democrat, Wisconsin; Rep. HENRY HYDE, Republican, Illinois; CHARLES KRAUTHAMMER, New Republic; SUZANNE GARMENT, Wall Street Journal; REPORTS FROM NEWSHOUR CORRESPONDENTS: ROD STEPHEN (Visnews), in Philippines; ROGER ROSENBLATT; LEE HOCHBERG (KCTS), in Seattle

BODY:

Intro

ROBERT MacNEIL: Good evening. Leading the news this Friday, President Reagan said the country will support him on Iran. In Congress, his speech did not silence criticism of the secret initiative. The United States imposed economic sanctions on Syria for terrorism. We'll have the details in our news summary coming up. Charlayne Hunter-Gault is in Washington tonight. Charlayne?

CHARLAYNE HUNTER-GAULT: The news summary tonight is followed by an extensive look at Iran fallout. We start with the view of former National Security Adviser Zbigniew Brzezinski. Then two congressmen debate the administration's Iran diplomacy. Essayist Roger Rosenblatt weighs in with some words about the principles at stake. We get two opposing media views. And finally, an update on smoking in the workplace.

News summary

MacNEIL: President Reagan said today that most Americans will approve his arms shipments to Iran, but there was continued criticism from Congress, and Iran challenged his account. Iranian President Ali Khomeini, speaking in Tehran, did not mention arms shipments, but denied that his government had conducted negotiations to improve relations with the U.S. He said Mr. Reagan's account of negotiations was mere lies, that only Iranian intelligence officers had talked with American officials. In Washington, President Reagan spoke to a White House audience, outlining a policy of firmness and flexibility.

Pres. RONALD REAGAN: We have and will continue to pursue every possible option to remove the causes of terrorism. In short, we will talk when talking is productive and will be firm when firmness is required. But when terrorism does occur, we will act decisively against those who are responsible. There has not been and will not be any ransom for hostages. Let there be no doubt the United States does not pay tribute to terrorists.

MacNEIL: There was criticism of the President's explanations from both Republicans and Democrats in Congress. Republican Senator Pete Wilson of California was critical of the decision to send weapons to Iran, saying, "I

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think they should have chosen some other means, like medical supplies." Richard Lugar, chairman of the Senate Foreign Relations Committee, approved the arms shipments, but said the secrecy was a mistake. Democrat James Exon of Nebraska called the President's actions "morally wrong, a clear case of duplicity." Democrat Patrick Leahy, vice chairman of the Intelligence Committee, said the operation sounded amateurish.

Sen. PATRICK LEAHY (D) Vermont: I just think it was a poor policy from word go. I think it got worse because of the attempt of the White House to run this out of a -- pretty much out of a basement office in the White House. I think the State Department and Department of Defense were cut out far too much. It's almost as though the policy was done looking for real short term gains without any consideration of what happens in the long range interests in the Middle East -- ours and the other countries in the Middle East.

MacNEIL: Among U.S. allies, there was oblique criticism. British Foreign Secretary Sir Geoffrey Howe told parliament, "In our view, concessions lead to more, not less, hostage taking." A spokesman for the neo-Gaullist rally in France, the party of Premier Jacques Chirac, told reporters, "Those who give morality lessons would do better to look and sweep their own doorsteps before criticizing others. The French government neither sold nor traded arms to obtain the liberation of hostages." Charlayne?

HUNTER-GAULT: President Reagan imposed more sanctions against Syria today, calling the measures an effort to express our outrage over that country's continuing support for terrorism. The President tightened export controls, terminated availability of export-import bank programs, and ended commercial flights between the two nations. Presidential spokesman Larry Speaks also said that U.S. oil companies have been informed that their continued involvement in Syria was inappropriate. Speaks also said the staff of the U.S. embassy in Damascus will be reduced, and no high level visits between U.S. and Syrian officials will take place. At a State Department briefing, spokesman Charles Redman explained why such steps are necessary.

CHARLES REDMAN, State Department spokesman: We believe further steps must be taken to discourage such Syrian behavior and to express our outrage and that of the American people at Syrian sponsorship of this attack and its long pattern of support for terrorism. We have been in consultation with our allies on this matter, including members of the European Economic Community, who announced their own measures on November 10. We welcome these decisions. These measures and our own actions will send a clear and unequivocal message to Syria. Its support of terrorism is unacceptable to the international community of nations.

HUNTER-GAULT: Syria was also named in a NATO report today that said terrorist attacks will increase and claim more lives in the future. Other countries named were Libya and Iran. The report says they openly endorse terrorism as a means of achieving their policy goals. The report, a draft prepared for the NATO meeting which started today, also criticized Western Europeans in their preference of political measures to fight terrorism.

MacNEIL: The Philippines was gripped by an air of crisis today as President Corazon Aquino vowed to punish the killers of leftist Rolando Olalia, and his followers mounted protests against the man they thought responsible. Rod Stephen of Visnews has a report.

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ROD STEPHEN (voice-over): More than 6,000 demonstrators, incensed by his murder, marched to the headquarters of Defense Minister Enrile. It was peaceful, but the placards told the story. The protestors blamed Enrile. Reports say that the defense minister had Olalia killed because he was too close to Mrs. Aquino and had intended to call a general strike if the military threatened her rule. Only rumors, but enough to worry Enrile, who ordered a force of more than 100 riot police to guard the crowd. The death of Olalia has already been compared to the assassination of Benigno Aquino in 1983, and Mrs. Aquino has set up a commission and offered a reward of \$10,000 to anyone who can help the police find the killers.

HUNTER-GAULT: British Prime Minister Margaret Thatcher arrived today in the United States for two days of talks with President Reagan. Her plane landed late this afternoon at Andrews Air Force Base outside Washington. She meets with the President tomorrow at Camp David. The talks are expected to cover a wide range of issues, particularly Mrs. Thatcher's concern over President Reagan's long range goal of eliminating ballistic missiles, which she said are necessary to defend Western European countries.

MacNEIL: The U.S. exploded a major nuclear device in the Nevada desert today. It was the 19th announced test since the Soviet moratorium last year and measured 5.6 on the Richter Scale -- one of the highest readings for a nuclear test. In Washington, a Soviet scientist implied the U.S. was cooking the books on its nuclear tests. Vladimir Baranovsky, an official Soviet scientist of Moscow's Academy of Sciences, told a news conference today that the U.S. exploded four more devices than the 19 announced since August, 1985. He also said U.S. testing may cause the Soviets to end their moratorium.

VLADIMIR BARANOVSKY, Soviet scientist (through translator): Today there is supposed to take place the 23rd nuclear test by the United States in the same period that the Soviet Union has not conducted such tests. It is possible to allow the other side to do 10, 20 extra tests, but if we see no signs that the moratorium can become bilateral, then reasons do come up that may force a political reevaluation of the whole situation.

MacNEIL: Baranovsky is a member of a U.S.-Soviet group that disputes the U.S. position that it's not possible to monitor a test ban. U.S. officials say the group is advancing Soviet propaganda.

Speaking of advancement, 1,100 marchers reached the end of a 3,600 mile long trek today. The members of the Great Peace March entered Washington, completing the last 15 miles of a journey begun in Los Angeles more than eight months ago. They plan to hold a rally at the Lincoln Memorial tomorrow. Organizers of the march advocate a nuclear test ban, a bar to all weapons in space, and say they represent 46 states and several foreign countries.

HUNTER-GAULT: President Reagan today signed a bill that creates a no fault compensation system for victims of injuries resulting from childhood vaccinations. The President said he was signing the legislation with what he called mixed feelings. He said he supports provisions of the bill that would allow companies to export drugs not yet approved for use here by the Food and Drug Administration, but he also said he had serious reservations about the compensation package, partly because it would require federal funds.

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MacNEIL: In economic news, Ivan Boesky, a leading Wall Street takeover specialist, agreed to pay a record \$100 million penalty for insider trading abuses. Boesky admitted to using nonpublic information obtained from another trader to earn \$50 million in illegal profits. The settlement negotiated by the Securities and Exchange Commission also bars Boesky from the securities business, although he can remain as a personal investor.

And in other economic news, wholesale prices rose a moderate .3% in October, and retail sales plunged by 5%, due almost entirely to a decrease in auto sales after special cut rate financing programs ended. Excluding automobiles, sales showed a slight overall gain in October.

HUNTER-GAULT: Next, we devote most of the News Hour to the fallout over Iran diplomacy, and end with an update on smoking in the workplace.

Fallout

MacNEIL: Our lead focus section tonight: President Reagan's Iran initiative. Will it play in the Persian Gulf, will it play in Paris, and will it play in Peoria? We'll try to get answers to those questions from former National Security Adviser Zbigniew Brzezinski, from the chairman of the House Armed Services Committee Les Aspin and Congressman Henry Hyde of the Foreign Affairs Committee, and finally, with two columnists who've helped frame the Washington debate, Charles Krauthammer and Suzanne Garment. We invited the administration, but they chose not to send anyone. Responding to two weeks of news reports and what he called utterly false charges that the U.S. had traded arms to Iran for U.S. hostages in Lebanon, the President went on national television last night to explain and defend the decision of his administration to renew diplomatic contacts with Iran. Here's how he explained the policy last night.

Pres. REAGAN: For 18 months now, we have had underway a secret diplomatic initiative to Iran. That initiative was undertaken for the simplest and best of reasons. To renew a relationship with the nation of Iran, to bring an honorable end to the bloody six year war between Iran and Iraq, to eliminate state sponsored terrorism and subversion, and to effect the safe return of all hostages. Without Iran's cooperation, we can not bring an end to the Persian Gulf war. Without Iran's concurrence, there can be no enduring peace in the Middle East.

MacNEIL: We go first to Zbigniew Brzezinski, President Carter's national security adviser. In that job, he had confronted two questions at the heart of the current debate: how best to deal with the Iranians and the role of the national security adviser. He was the first person holding that job to testify before a Congressional committee. He join us tonight from a studio in San Francisco.

Mr. Brzezinski, overall, what was your reaction to the President's explanations last night?

ZBIGNIEW BRZEZINSKI, former national security adviser: Well, I must say that I am very sympathetic to his objectives. I think he's right in stressing that the United States needs to open contacts with Iran because of its geopolitical importance. He's right to be concerned about the hostages. He's right to be concerned about helping to end the Iraqi-Iranian war. But having said that, I do feel that the methods used -- the tactics employed -- were too costly and

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too risky. That's my bottom line.

MacNEIL: Well, let's take those, then. How costly, first of all?

Mr. BRZEZINSKI: Well, very costly, I think, first of all, in the region, because the United States has a stake in a good relationship with the moderate Arab states. It has a stake in not being perceived as in some way helpful to Iran's conduct of the war against Iraq. And the shipment of even limited defense oriented items destroys any pretense of American non-involvement. It creates the false impression of America, in fact, helping Iran. And secondly, it is costly, I think, with our allies.

MacNEIL: You mean that the psychological effect of that, even if, as the President said, the arms were defensive and could not make a difference in the war, the psychological effect would be as you described.

Mr. BRZEZINSKI: Well, it's not only psychological; it's also political. We, in effect, are helping to pierce the defense embargo that we ourselves imposed on Iran. And that is bound to have an impact on the attitude of other governments of the world arms merchants, and it certainly will have an impact on the attitude of the Arab governments which feel threatened by the wave of Islamic fundamentalism originating from Iran. So in the region it's damaging. Secondly, in my judgement, it's also damaging towards our allies. After all, we have been urging them not to deal with terrorist states, to maintain a firm position. And clearly, our own conduct has not been consistent with our proclaimed rhetoric.

MacNEIL: You said also too risky.

Mr. BRZEZINSKI: Too risky, particularly in regards to the negotiations in Tehran. I have the highest respect for my successor, Bud McFarlane, and I admire his courage in going to Tehran. But in sending a former national security adviser to Tehran to some uncertain and apparently undefined encounter which, in effect, was aborted and without advance certainty that at least some of our key objectives would be achieved, I think was risky in terms of the individuals involved and in terms of the stakes involved. I feel that such an action should not have been undertaken unless we have some advance assurance that either the hostages will be released or that there will be some significant turn in the American-Iranian relationship.

MacNEIL: Some people are saying that it just simply isn't realistic to expect reliable deals with any supposedly moderate faction in Iran. What is your experience?

Mr. BRZEZINSKI: Well, I must say that there is something to that. When we were trying to resolve the hostage issue, when the American hostages were held in the embassy in Tehran, we had some dealings with some Iranians. The foreign minister of Iran at the time negotiated through intermediaries with us with the then Chief of Staff -- domestic Chief of Staff -- Hamilton Jordan involved in that operation. And I must say, throughout the effort, I was somewhat skeptical, because I felt that when the bottom line comes to be written, the Iranians simply would not deliver because of internal divisions. And I rather suspect that this is what happened in this case, and we should have probably known better. Though I say this with hesitation, because I know the intentions were good and the stakes were high. But again, I have to say that I think the

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tactics were simply wrong -- fundamentally unwise.

MacNEIL: You say you applaud the objectives. Did the President convince you with his explanation that the dealings with Iran did have a broader strategic purpose than simply releasing the hostages?

Mr. BRZEZINSKI: You know, it's a very dangerous game to try to read people's motives. But if I may speculate, I suspect that, in the case of McFarlane, it was the geopolitical motive that got him involved in this venture. For the President and perhaps for some of his domestic advisers, the plight of the hostages probably was important as well, and perhaps uppermost. In any case, it seems to me that the tangible issue at stake had to be the hostages, because it is difficult to imagine an upgrading of the American-Iranian relationship while the hostages were being held. And here, of course, the question arises, should we have been willing to trickle in arms on a kind of dribbling basis while the Iranians were releasing one hostage after another, but then their allies were taking other people hostage. That seemed to me, again, to be a dubious tactic.

MacNEIL: Did the President, in your view, satisfactorily defend his proposition that he has not violated the principle of trading for hostages -- of giving things in exchange for hostages?

Mr. BRZEZINSKI: In my view, I think we all ought to be a little more honest on that subject. I know of no government -- I repeat, no government -- that has been ultimately unwilling to deal over hostages. Even the Israelis have, after all, dealt over hostages and arranged for exchanges. So I think it would have been better if we had made it clear that our policy is that we will not sacrifice vital national interest. We will not sacrifice fundamental principles. But under certain circumstances, we are prepared to deal if some reasonable, even if somewhat unpalatable, swap can be arranged. I think that would have been a better position to adopt than an absolutist, rhetorical stand which we then violate on the QT, so to speak.

MacNEIL: So is the impression left to the world that the United States does deal for hostages now?

Mr. BRZEZINSKI: Oh, yes. I think not only is the impression left that we deal with the hostages, but the impression is left that we are being rather hypocritical about it. And I think that is costly as well. This is why I feel that our regional interests were damaged and our overall standing was damaged as well by this particular action.

MacNEIL: Come to the domestic issues in this for a moment, and one that -- in which you have a very relevant experience. Some critics are saying, including some on Capitol Hill, that it is wrong to use the National Security Council as an operational action arm of the executive branch in things like this for clandestine exercises, bypassing the departments -- the cabinet departments and the CIA. What is your view of that?

Mr. BRZEZINSKI: I don't entirely agree with that. I think we have to be, again, somewhat more refined in our judgements. Presidents are entitled to conduct their foreign policy as they best see fit in terms of the people they are comfortable with. President Nixon used Mr. Kissinger for secret diplomacy regarding China. And that was, I believe, in the national interest. I have some dealings with foreign governments after the Soviet invasion of

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Afghanistan, again, for the sake of national security. The problem might arise if the National Security Council actually becomes engaged as an institution in the conduct of operations -- but really operations. Here, we are talking really about the President relying on the national security adviser for ad hoc, highly sensitive, occasional negotiating missions. And that I really do not think is improper. On the contrary, it would be an excessive limitation of the President's ability to conduct foreign policy to deprive him of that option if he wishes to exercise it.

MacNEIL: Is this incident going to hamper the President's conduct of foreign policy for his remaining two years?

Mr. BRZEZINSKI: If it poisons the well, so to speak, in relations with Congress, if it contributes to a crisis of confidence in him, if it stirs up partisan passions, then I think it will. And this is why I'd just as soon have this incident talked out and put behind us, because it is important for all of us that the President, and particularly the Senate, work together on issues of national security.

MacNEIL: Did he successfully limit the damage last night, do you think?

Mr. BRZEZINSKI: I have to say that, much as I wish that he had, I feel that he has not. Because I do not think that he really convinced the country -- he didn't convince me, in any case -- that the issue was dealt with in the best possible manner.

MacNEIL: Mr. Brzezinski, thank you for joining us. Charlayne?

HUNTER-GAULT: Now to Congress, where President Reagan's speech appears to have added new zest to the debate, especially bringing more Republicans more vigorously to the President's defense. Joining us are Les Aspin, a Democrat from Wisconsin and chairman of the House Armed Services Committee; and also Congressman Henry Hyde, a Republican from Illinois and a member of the House Foreign Affairs and Intelligence Committees. They join us from a studio on Capitol Hill.

Gentlemen, first, let's start with your institutional interests. The President said that the key committees had been informed. Congressman Aspin, were you informed early enough and fully enough?

Rep. LES ASPIN (D) Wisconsin: We were all informed, in fact, only after the issue broke in the press. I think there was nobody on Capitol Hill that was informed before the issue was public.

HUNTER-GAULT: And in your view, that is not proper.

Rep. ASPIN: I think that he made a political mistake. Henry Hyde and I have disagreed, and he may have a case, on the legal point, as to whether there was any legal requirement to inform Congress before this, but I think there's a widespread agreement among all members of Congress that politically, he would have been a lot -- he, meaning the President -- would have been a lot better off, had the circle of people been widened to include at least the leadership on Capitol Hill.

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HUNTER-GAULT: But let me just understand you. You're saying that the President did nothing illegal in not --

Rep. ASPIN: I think that is a debatable issue which will be part of the Intelligence Committee's oversight when they go into this in a couple weeks. It's a debatable point on the legal point.

HUNTER-GAULT: Right.

Rep. ASPIN: But I think the political point is not debatable. I think on the political point that it would have been better politically to have included people on the hill -- at least the leadership of both parties and both houses on the hill. I think that is widely agreed to on the hill.

HUNTER-GAULT: Congressman Hyde, is it widely agreed to and do you agree with it?

Rep. HENRY HYDE (R) Illinois: Well, I agree with Les. I think politically it would have been wiser to bring into the circle at the takeoff of this operation the so-called gang of eight. That is, the leaders in the House and the Senate and the leaders on both intelligence committees in the House and the Senate. I understand the administration's reluctance to do that, because we can not keep a secret on Capitol Hill. And lives were at stake -- not only the hostages, but people inside Iran. But nonetheless, I think those eight people could be trusted and ought to have been trusted. And I think bipartisan support would have followed from that, and the political fallout wouldn't be as rough as it is now.

HUNTER-GAULT: Do you agree with that part of it, Congressman Aspin -- that lives were at stake, and therefore, it was understandable that --

Rep. ASPIN: I have a certain amount of sympathy with that position, and clearly, you've got a problem when the more people know something, the more likely it is to get out. In this case, I would have tilted towards the decision to include more people, regardless of that.

Rep. HYDE: If I might add on the legality, I think --

HUNTER-GAULT: Yes, I was about to --

Rep. HYDE: Right. I think Les has highlighted the fact that the law, in my judgement, is deliberately ambiguous. I looked up the debate, and Les participated in it, along with Congressman Boland, the chairman of the Intelligence Committee, and I think the Constitutional powers of the President were deliberately kept vague in the law -- his right to withhold information for serious, sensitive security reasons -- and nobody really wanted to nail it down. So there's an ambiguity there where both sides have something to argue about.

HUNTER-GAULT: Where do you think they'll come out on this one in the Congress?

Rep. HYDE: I think Congress will insist that it was not treated fairly or honorably or right, and I think the President will disagree, and I will side with the President.

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HUNTER-GAULT: Let me ask you both this: did the President last night persuade you that the United States government was not trading arms for hostages, Congressman Aspin?

Rep. ASPIN: No. This thing smells like a swap, it sounds like a swap, it looks like a swap. I think it's a swap.

HUNTER-GAULT: But the President said there has not been and will not be any ransom to hostages. Is the President lying?

Rep. ASPIN: Well, I can't judge his motives. I mean, I'm not in a position to know what was going through his mind, Bud McFarlane's mind or Poindexter's mind or anybody in the administration's mind at the time. All I can say is that you look at this thing, and the shipments and the release of the hostages was so close together, it couldn't have been a coincidence. Now, they may think there was no quid pro quo. I can't believe that the Iranians didn't think there was any quid pro quo or any outside observer looking at this would think that there was no quid pro quo -- outside observer meaning other people in the Arab states, people in Europe and other countries.

HUNTER-GAULT: Congressman Hyde, were you persuaded that there had not been a deal -- arms for hostages?

Rep. HYDE: There is a superficial plausibility to the fact that there was an even up trade. But I accept the notion that the overriding purpose of this whole adventure was to develop access and influence with some elements inside Iran that are moderate, anti-terrorist, anti-Soviet and pro-solving the war with Iraq. Those are very important, noble motives. And they needed some credibility with other people and with the military within Iran. And this was an offer of bona fides or good faith. Now, the hostage situation, they're not held by these Iranians; they're held by people over whom the Iranians have some influence. Perhaps they weren't able to deliver what we had hoped or what we had expected. They did dribble out some hostages. But I am convinced that the overriding policy goal was to develop and nurture this contact inside Iran, because the direction post-Khomeini that Iran goes might very well forestall World War III. It was risky. No assurances of success. And I agree with Dr. Brzezinski. Maybe he wouldn't have done it. But I think the President did the right thing, and it's not over yet.

HUNTER-GAULT: Do you buy that --

Rep. ASPIN: Can I --

HUNTER-GAULT: Yes.

Rep. ASPIN: Let me say that I think that Henry's right about that.

HUNTER-GAULT: About which?

Rep. ASPIN: This point that their overriding policy objective here was what Mr. Brzezinski called the geopolitical reasons. I did not originally believe that. I originally believed that this idea of improving the relations by developing contacts with moderates in Iran was a cover up -- that they had gone in, and their main objective was the hostages, and that they had come up with this idea of developing relations with the moderates as a cover up to what

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they got -- when they got caught trying to trade hostages for military equipment. I now believe, having been through enough briefings, having sat through this process, that, in fact, what Henry Hyde is saying is correct -- that their first motive and the main motive, certainly of Bud McFarlane and probably of the whole administration policy here, was that of trying to develop a relationship with the moderates, looking to trying to make sure that we don't have a pro-Soviet government in Iran when Khomeini goes.

HUNTER-GAULT: So you think --

Rep. ASPIN: I think that's right. I think that's right. But I do --

HUNTER-GAULT: So you think this was a proper use, then of the NSC?

Rep. ASPIN: No. Let me just say that --

Rep. HYDE: Proper use of the NSC, she said.

Rep. ASPIN: Yeah, I understand. Let me just first of all say that I think that somewhere along the line, even though they started out on this broader geopolitical track, somewhere along the line they got very heavily involved in the hostage issue, and that there was a swap -- more than one swap. There were several swaps of military equipment for several hostages. And somewhere they started out on the higher plane, but eventually they found themselves dealing with the hostages and straight out making trades.

HUNTER-GAULT: And your answer to the question about this being a proper use of the NSC was no.

Rep. ASPIN: I think the NSC -- it's a tricky thing. I think that the NSC, just -- first of all, I think that any President ought to be able to structure the government to work the way he wants it. Congress, though, has a right to having certain information about that. And the NSC is tricky, because Congress is not -- the NSC is really a staff directly to the President and is not, therefore, answerable to Congress on a day to day basis. So if the President's going to, as a matter of preference, run operations out of the NSC, as opposed to coordinating papers, which is what they do when they coordinate policy, or maybe even occasional secret diplomacy missions. If they're going to actually run operations out of the NSC, I think you're going to find a cry in Congress for more access in terms of hearings, testimony, witnesses coming before Congress from Congress, from the NSC.

HUNTER-GAULT: Just very briefly, Congressman Hyde, because we're going to leave you and come back. So if you could just respond to that briefly.

Rep. HYDE: Yeah, I think that the President uses the tools that are available to him on a very surgical, delicate, sensitive mission -- those that he has the most confidence in, those people that are sympathetic with the program, those people that have personal relationships that are helpful. And if that's the NSC, why, that's fine. If it was the Coast and Geodetic Survey, that would be fine, as far as I'm concerned. Get the job done.

HUNTER-GAULT: All right, thank you. Stay there. We'll be back. Robin?

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MacNEIL: Usually, we run our essays at the end of the program. But tonight's is so pertinent to the discussion, we decided to let it play in. This is Roger Rosenblatt's analysis of why the President undertook secret dealings with Iran.

ROGER ROSENBLATT: Some shock has followed Ronald Reagan's apparent blunder in dealing arms to Iran to free U.S. hostages in Lebanon. How could a President with an uncanny grasp of the public mind go off so deep an end so suddenly? In fact, the effort to free individuals at a possible extreme cost is perfectly consistent with the way Reagan has always conducted the President's business. In forests of complex issues, Reagan likes to point to the trees, to individuals. Think back to all you know of Ronald Reagan, and there is always some other person in the picture. Originally, that person was you, the individual tree he addressed with startling success in the 1980 Presidential debates.

Pres. REAGAN: Are you better off than you were four years ago?

ROSENBLATT: In the six years since, you have remained preeminent in the President's vision. It is still you he addresses in weekly radio broadcasts and in television appearances, as he did when he tried to put the best face on the Iran negotiation.

Pres. REAGAN: I ask for your support, because I believe you share the hope for peace in the Middle East, for freedom for all hostages, and for a world free of terrorism.

ROSENBLATT: Britain is America's ally. But in Reagan, that abstract agreement is brought to life by personification -- by the friendship and ideological comradeship of Reagan and Margaret Thatcher. Libya is

America's enemy. But that enmity glowers as a private hostility between Reagan and Khadafy. If free enterprise needs commending, Reagan will shed his spotlight on a Mother Hale of Harlem, as he did in the 1985 State of the Union speech, and elevate one woman to an entire economic theory. If a war is to be honored, a single veteran will stand beside the President, creating a tableau that speaks, if imprecisely, for itself.

Whatever sense one can make of the Iran deal may be traced to Reagan's microcosmic vision. Yet, that vision seems emotional; not rational. Reagan sees the world as individuals, because individuals embody feelings that stir his own. In the case at hand, he apparently felt for the plight of the hostages, and those feelings took precedence over his nation's stated policy of not trading with terrorists, over using accepted channels for intelligence operations, over our declared neutrality in the Iran-Iraqi war.

In recent incidents involving Nicholas Daniloff and the summit meeting in Iceland, Reagan also focused on individual feelings. Daniloff's imprisonment spurred Reagan to solve that problem alone, and not the problems that accrue to it. In Reykjavik, he tried to charm Gorbachev the man, mindless of the fact that Gorbachev is also a system. With Daniloff and Gorbachev, Reagan's luck, not his vision, prevailed. With Iran, both his luck and his vision may have run dry.

To a point, Americans will tolerate, even applaud, a President's leapfrogging of rules and restrictions, as long as they perceive a worthwhile goal

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achieved. But their tolerance will go quickly if they feel that Presidential self-assurance is giving way to recklessness. In the matter of Iran, it is hard to argue that a few lives now are worth what may be perpetual incentives for terror. In a way, the American people asked for what they got in this incident, by always having treated Reagan exactly as he always has treated the people. If Reagan has zeroed in on individual members of the republic to make his points, the republic has also zeroed in on and favored Reagan as a man. Not the office, but the individual has garnered an attitude of all embracing trust. Yet, the country values principles as well as lives. And it remains a question whether the sight of a few freed hostages smiling warmly at the President's side will relieve the criticism that Reagan overlooked the forest for the trees.

MacNEIL: Sometimes in Washington, the words of columnists in major newspapers give clues to public officials in shaping debates. That certainly has been the case in the Iran imbroglio, and two of the shapers are with us now. Charles Krauthammer is senior editor of the New Republic and a syndicated columnist. Suzanne Garment is a columnist with the Wall Street Journal.

Starting with you, Charles Krauthammer, what is your comment on Roger Rosenblatt's view of this?

CHARLES KRAUTHAMMER, New Republic: Well, I think he focused correctly on what the problem is, which was an obsessive and excessive focus by the President on individuals. And I think it resulted in a disaster -- a political disaster.

MacNEIL: Suzanne Garment, what's your view of it?

SUZANNE GARMENT, Wall Street Journal: From what I've been able to learn so far, the major objective was the opening to Iran.

MacNEIL: In other words, you agree with some of the previous speakers -- Mr. Brzezinski and the two congressmen -- that the geopolitical motive was uppermost, and the hostage question secondary.

Ms. GARMENT: That is the burden of the evidence so far.

MacNEIL: And you don't agree with that, Charles Krauthammer.

Mr. KRAUTHAMMER: Well, I think whenever people are in a tight spot in Washington, they use the word strategic, and that makes them a geopolitician. It seems to me, in this case, the question of motives is irrelevant. The question is, what happened? And what happened was an obvious swap. This morning, Don Regan was asked on one of the news shows if this was a swap. And his response was to rhetorically ask about Danilooff, was that a swap or was it not, as if it's still an open question. In this case, it's not an open question. And I think it was a disaster for the United States to jeopardize its interest in the Middle East with the moderate Arabs and its standing in Europe on this issue over individuals.

MacNEIL: Ms. Garment, what's your comment?

Ms. GARMENT: You know, if some hostages get freed in the course of a negotiation like this, I, for one, don't mind at all. The question, to my mind, is the question of what principle is, in the main, governing the actions of the U.S. administration. And as far as I can tell, it was the strategic

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consideration.

MacNEIL: You -- Charles Krauthammer, you'd like a comment?

Mr. KRAUTHAMMER: If I could make a comment, I remain extremely skeptical about that. Look, last summer, a plane arrives in Tehran bearing arms. And on the day it flies out, Reverend Weir is released in Beirut. And on the next day, the President calls the prime minister of Israel and thanks him. Now, did he thank him for arranging the coincidence? It seems to me quite obvious that what happened is, whatever the motives, what in fact happened was a trade of U.S. national interest against hostages held by kidnappers.

MacNEIL: Ms. Garment, you wrote today in the Wall Street Journal, there is -- I'm paraphrasing you -- there is much less than meets the eye in this whole story. What did you mean by that?

Ms. GARMENT: Simply that what happened in the negotiations -- that is, the attempt to find the opening; the use of the hostages, the use of the arms -- is not -- does not strike me as politically immoral in the way that some commentators have made it look.

Mr. KRAUTHAMMER: But I would argue that it's not a question of immorality; it's a question of a sound policy. We have been made the laughing stock of Europe. I mean, any policy which allows the French, who are the masters of cynical diplomacy, to look high minded, I think, is on its face a catastrophe. In this case, I think what's really happened is the administration has mounted what's called in Washington a campaign of spin control to make it look as if this was a grand, strategic design. Where, in fact, it was a primitive hostage swap.

MacNEIL: So you just disagree with the previous speakers that it only became a hostage swap or a hostage release lower down the line. You think it started that way.

Mr. KRAUTHAMMER: Whatever the motive is or its evolution is irrelevant. What's relevant is what actually happened. What has the United States done? It went abroad berating allies for caving in to terrorism. It went abroad claiming that we have a strong interest in preventing Iran from winning the Iran-Iraq war -- which, in fact, we do. And all the time, it was dealing arms to Iran in the middle of that war in contravention to our policy and to our interest.

MacNEIL: Ms. Garment, you also wrote today at the end of your column words to this effect: that when -- if the administration gets a bit of breathing room now, people are going to start saying it was worth taking -- I don't have your exact words down here -- but it was worth taking a long shot and perhaps losing on it.

Ms. GARMENT: Well, I wrote that taking a long shot was not the worst of crimes, which is a little more guarded.

MacNEIL: Yeah.

Ms. GARMENT: It was a long shot. And for the moment, they seem to have lost. The damage is very real. But I suspect that there may be less shock and outrage among our allies than among our journalists.

LEXIS NEXIS LEXIS NEXIS

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MacNEIL: And in the public mind?

Ms. GARMENT: Don't know.

MacNEIL: The President sayd today most of the people would side with him on this. What's your hunch on that?

Ms. GARMENT: Just don't know.

MacNEIL: Charles Krauthammer, what is your hunch on whether the public will buy the explanations?

Mr. KRAUTHAMMER: I think the public has a tendency to buy whatever the President offers. But our allies in Europe will not buy it. We already heard this evening the comments of the foreign secretary of Britain. And earlier today, Dennis Healy, who's the labor spokesman, found himself attacking Ronald Reagan from the right. I find that's an extraordinary event, and it shows how much this policy, this swap which we've arranged, has undermined our standing on an anti-terrorism policy in Europe.

MacNEIL: Ms. Garment, you also wrote that opponents are using this as an excuse to start trying to roll back Ronald Reagan's foreign policy. Did you mean opponents inside the administration or outside?

Ms. GARMENT: I was talking about outsiders. I hadn't been thinking about insiders in the administration, although, of course, there's been dissension there as well. There's no doubt that there is great political hay to be made out of this, and it's being made.

MacNEIL: Do you think it is going to have a significant, permanent impact on Mr. Reagan's ability to conduct foreign policy for the next two years? Mr. Brzezinski, whom we talked to earlier, though it could well.

Ms. GARMENT: It could.

MacNEIL: If the -- what do you think, Mr. Krauthammer?

Mr. KRAUTHAMMER: Well, I suspect that this will die down over the next week or two. There will be an attempt in Congress to revive it, but I suspect that that will not succeed. The President has an astonishing ability to remain popular. I think the real damage is going to be abroad and among our friends in the Middle East and in Europe. And that damage, I think, could only be rectified if there was some principled resignation by people in charge, and I don't think that's going to happen.

MacNEIL: Do you think that's the case, Ms. Garment -- that there should be some resignation in order to set this right?

Ms. GARMENT: Well, this was a Presidential decision. There is not much doubt of it. And our system doesn't have much room for Presidential resignations over this sort of thing.

MacNEIL: Right. We'll move on. Charlayne?

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HUNTER-GAULT: Congressman Hyde, what do you think about that? How severely do you think the administration's policies abroad are damaged by this incident?

Rep. HYDE: Let me say something in response to Mr. Krauthammer. I don't think we needed Bud McFarlane to risk his life for four days in Tehran and other overtures, if this was a primitive hostage swap. That could have been arranged at the U.N. without all of this cloak and dagger stuff.

HUNTER-GAULT: Well, let me just get him to --

Rep. HYDE: There's much more than a primitive hostage swap, and the strategic initiative has been going on for 18 months. It has to do with a lot of issues beyond the hostages. And I think it's a gross oversimplification that is born out of not being familiar with the people involved, nor being briefed by the right people, to make that, I think, superficial conclusion.

HUNTER-GAULT: You want to respond to that?

Mr. KRAUTHAMMER: Well, I find it hard to believe that Mr. Hyde is arguing what really went on here was a grand strategic design. There's a report that this policy began in July of last year, after we realized that the Iranians had helped in the release of a few of the TWA hostages. Which would indicate that even at the origin there was an understanding that this was an avenue to releasing hostages.

Rep. HYDE: But this was --

Mr. KRAUTHAMMER: And in fact, it may be true that there was no need to send McFarlane to Tehran to negotiate a primitive hostage deal, but that's in fact what happened.

Rep. HYDE: Well, you say it happened. Mr. McFarlane doesn't say that happened.

Mr. KRAUTHAMMER: Well, we had a hostage released, and we haven't had a great strategic realignment.

Rep. HYDE: Well, in addition to that -- I just disagree, and I think the facts don't support Mr. Krauthammer's position. Superficially, they do. As to our allies, let me say this: a moderate Iran would be a boon to all of our allies, including Saudi Arabia, including Egypt, including Kuwait, including Britain and France. And if our initiatives, if our negotiations can elevate a faction within Iran which does exist and which is weary of the war and seeing their 14 year old kids mowed down at the front, which is fearful of a Soviet incursion similar to Afghanistan and which is against terrorism, we would be crazy and derelict in our duty not to pursue that, and that's what the President has done. It's risky, but it was worth the risk, as Suzanne Garment said.

HUNTER-GAULT: Congressman Aspin, let me just ask you, how severely damaged do you think the administration is abroad, and if, in fact, you think that the criticism now is aimed at further weakening the President.

Rep. ASPIN: I think he is damaged, and I think that Charles Krauthammer is more right than wrong. Although I think that the distinction here is not a clear cut one. It isn't just was it geopolitical or was it hostages. I'm

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convinced now that it started out as a geopolitical goal, and it ended up as a base political swap. So the only thing that has happened so far, as Charles Krauthammer said, is the swap. And that, of course, is the focus of all the attention. The geopolitical goal may come later. But right now, what we've got is a swap. And I think for that reason, it is very, very damaging. Because what has happened now is something that just has gone totally contrary to what we have been proclaiming publicly, totally contrary to any intelligent way to deal with the hostage situation, and totally contrary to everything that the President has said about the way we will deal with hostages.

HUNTER-GAULT: All right, well let me -- let me just go back to Charles Krauthammer, because the other thing -- Suzanne Garment seems like the only person writing today, we've quoted her so much -- but the other thing she did say was -- I'm paraphrasing -- that the press has been hammering away at the administration to do something about the hostages, and then they do something about the hostages, and the press gets upset that they've done the wrong thing. I mean, is it a damned if you do, damned if you don't kind of situation?

Mr. KRAUTHAMMER: Well, I'm not a defender of the press, and I think those in the press who do say hostages are worth any price are wrong. But if I can make one response to Mr. Hyde, whenever people argue that in relation to the Soviets, we have to be nice, give credits and open trade and make concessions as a way to open an avenue to doves in the Kremlin, Mr. Hyde is the first to jump on it and to call this nonsense. Now we've concocted a scenario in Iran which is exactly identical, with much less evidence of doves, and he's hanging his entire hat in this argument on the theory that, in fact, there are doves whom we are appealing to by trading arms.

Rep. HYDE: Well, Mr. Krauthammer, if I can respond, I don't know how many doves there are. You call them doves. There's a moderate faction in Iran that I'm reliably informed is there and has power and has access, and I think we're crazy not to exploit it. And there are differences between the Soviet Union and Iran, which is going through a transition. But let me just say this: the one plane load -- and we're told these spare parts and other defensive weapons would have fit into one cargo plane, although there were three deliveries -- in no way compares to the \$150 million worth of armaments that the Carter administration proposed giving Iran in exchange for our 52 hostages, which never went through. But let's put it in historical context.

HUNTER-GAULT: We don't have a lot of time to put it in historical context, Congressman. I'm sorry. Let me just ask you very briefly, is the President going to be able to win over domestic critics in the United States, you think? Just very briefly, Congressman Aspin, and then Congressman --

Rep. ASPIN: Let me say that I think that if this were the only thing that had gone wrong, it would be a passing matter. But we're now on a roll, and the President is on a real roll, and it's all going downhill.

HUNTER-GAULT: All right, well, we've got --

Rep. ASPIN: We've had Daniloff, we've had the Iceland summit, and now we've got Iran.

Rep. HYDE: And I think the President comes out smelling like a rose on all of them -- especially the Iceland summit, where he told Mr. Gorbachev, "No, we're

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not giving up the SDI."

HUNTER-GAULT: All right. Well, we'll just have to wait and see. Thank you, Congressman Hyde and Congressman Aspin for being with us, and Suzanne Garment and Charles Krauthammer.

Second-Hand Smoke

MacNEIL: Finally tonight, a new report on smoking. Passive smoking, or the inhaling of other people's tobacco fumes came under sharp attack today by a blue ribbon panel of scientists. They concluded in a major study sponsored by the federal government that passive smoking causes health problems for young children and spouses of smokers. The results were released today at a Washington news conference.

We have reached three major conclusions: one, exposure to environmental tobacco smoke is clearly harmful to young children and infants by increasing the risk of respiratory illnesses; two, passive smoking increases the risk of lung cancer in nonsmokers married to smokers; and three, passive smoking causes very real acute effects in many nonsmokers, largely through irritation of the eyes, nose and throat, and annoyance at the persistent odor.

MacNEIL: Today's report is bound to fuel the ongoing battle between smokers and nonsmokers, and it will undoubtedly lead to renewed calls to ban smoking from the workplace. One such battle is being fought in Washington State. For more on that story, we have a report originally broadcast in September from Lee Hochberg of public station KCTS, Seattle.

LEE HOCHBERG (voice-over): On an average workday in Seattle, white collar workers cluster on the sidewalk, forced out of their offices to light up -- outside insurance companies and hospitals and television stations.

Smoker: I don't mind. It's cut down my smoking.

HOCHBERG: It has cut down your smoking.

Smoker: Cut it in half.

Smoker: I don't think it's a very professional look for the company to have people huddled around smoking outside. I think it's very juvenile, actually. Reminiscent of high school days.

HOCHBERG: What if they forced you outside to smoke?

Smoker: Somehow or another, that never has seemed to me to be constitutional. It's a legal activity. It's not illegal.

HOCHBERG (voice-over): That's the position of the tobacco industry, as suggested by a spokeswoman on a recent Seattle television program.

(clip from NightSight)

ANN BROWDER, The Tobacco Institute: We're saying it's a legal and lawful product, and anyone who chooses to use the product should be able to use the product. That's all that we're saying. We're saying that there should be

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efforts within the workplace, consideration given to the smokers as well as the nonsmokers. And that's a situation that should be worked out within the individual workplace. We don't think that there should be any type of uniform law restricting the use of tobacco products.

HOCHBERG {voice-over}: But legal experts say companies are within their rights to force cigarette smokers outdoors. The constitution prevents states from acting in certain ways, but not private employers.

CORNELIUS PECK, University of Washington: We all admire those wonderful, free spirits who feel so good and happy when they work that they love to whistle while they work, but if the employer decides that that interferes too much with the production in the plant, the employer most certainly may say, "There's no whistling while you work in this plant." They say the same thing about smoking.

HOCHBERG {voice-over}: With the law on their side, hundreds of Seattle companies have snuffed out smoking. The Northwest's largest employer, the Boeing Aerospace Company, is gradually imposing a total ban on smoking for its 112,000 workers. At the Seattle Times news room, cigarettes, cigars, pipes have been prohibited ever since these two reporters pushed for a no smoking policy two years ago. They say they were fed up with their colleagues who refused to use desk-top air purifiers provided by the management.

CAROL OSTROM, Seattle Times: You know, I don't want to work -- have to be sick in order to work. I don't think the Times wants me to have to be sick to work either.

HOCHBERG {voice-over}: TheTimes says there's no indoor space with adequate ventilation to serve as a smokers lounge. So now Times journalists who smoke have to find another way to work off news room tension, like chewing gum. Or they have to find their way to the fire escape. Here, accompanied by the whir and whine of motors and air compressors, they can enjoy a quick smoke. And smoking on the fire escape can mean braving rain, snow and wind.

RICK RAPHAEL, Seattle Times: In the winter, this is really rough out here. The only salvation for us is this. This is exhaust, and it gets warm, radiates heat, so we stay warm out here.

HOCHBERG: So you huddle close to the chimney here.

Mr. RAPHAEL: Oh, yeah. It's funny. It's really funny, you know. You get out here, and there will be five or six people out here smoking cigarettes, and they're jockeying for space up against the wall to stay warm.

HOCHBERG {voice-over}: But, even banished to the fire escape, some smokers see a positive result.

Mr. RAPHAEL: I was smoking two packs of cigarettes a day when I got here. I'm smoking about a pack of cigarettes a day now.

HOCHBERG: So it's helped.

Mr. RAPHAEL: Oh, it's helped. Yeah.

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RICK ANDERSON, Seattle Times: Every step like this reduces the attractiveness, the attraction of smoking. Every step like this adds to the sort of psychic costs of the habit.

HOCHBERG (voice-over): By discouraging employees from smoking, the Seattle Times says it's saving on health care costs, though it doesn't yet know how much. Its smoking policy does help it retain its preferred status on property casualty insurance, and that saves the paper upwards of \$200,000 a year.

Therapist: How bad is it?

Smoker: It's awful. Disgusting.

HOCHBERG (voice-over): The benefits to employers are so great that many of them are spending thousands of dollars to help their employees kick the habit. They're employing the whole gamut of treatment programs: hypnosis, psychoanalysis and, here at the Schick Center in Seattle, aversion therapy. In this program, a smoker is shut into a dirty, smoky, little booth. Electrodes clipped to an arm deliver electric shocks as the smoker is required to quick-puff cigarettes until her mouth is uncomfortably hot. It's all intended to associate smoking with unpleasant sensations, so the smoking employee loses the craving to smoke.

Therapist: Is the impulse on your arm strong enough? Is it irritating?

Smoker: I probably could use it a little higher.

Therapist: Okay.

HOCHBERG (voice-over): More than 20 companies around Seattle are putting employees through the program at \$345 per person. In just one year, corporations have paid Schick \$130,000 to get their employees off smoking. And, bizarre as the treatment may be, Schick says more and more employees are lining up to take it. That may be the most surprising part of this anti-smoking trend -- how willing smokers have been to accept the no smoking policies; indeed, to take advantage of them to help them break the habit. It's an attitude that makes anti-smoking crusaders like Bill Weiss and Bob Rosner confident that smoke-free workplaces will soon be the rule; not the exception.

BILL WEISS, Smoking Policy Institute: The notion that there are a bunch of militant, you know, fist-pounding smokers out there screaming rights issues is a fallacious notion. That simply is not the case.

BOB ROSNER, Smoking Policy Institute: This is something that people are going to have to get used to -- that the ashtray in the corporate environment is going to be as rare as the spittoon is. Smoking is on its way out.

HUNTER-GAULT: And now a final look at the top stories of this Friday. President Reagan said the country will support his secret negotiations with Iran. There was more criticism from Congress over the President's decision to ship some weapons to Iran. And the United States imposed economic sanctions on Syria because of its links to terrorists. Good night, Robin.

MacNEIL: Good night, Charlayne. That's the News Hour tonight. We'll see you on Monday night. I'm Robert MacNeil. Good night.

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LEVEL 1 - 47 OF 55 STORIES

Copyright (c) 1986 McGraw-Hill, Inc.;
Business Week

December 29, 1986

SECTION: TOP OF THE NEWS; Social Issues; Pg. 40

LENGTH: 820 words

HEADLINE: WARNING: IN MORE AND MORE PLACES, SMOKING CAUSES FINES

BYLINE: By Lois Therrien in Boston

BODY:

After Mar. 10, it could cost you \$ 25 or more to light a cigarette in any Cambridge (Mass.) store, theater lobby, or office building. That's when the city's ban on smoking in public places and offices goes into effect. The strict Cambridge law is the latest in a growing number of restrictions imposed by local and state governments, as well as by companies, to protect the health of their citizens and employees.

For employers, the prohibitions may turn out to be in their own best interests. On Dec. 8, a Washington State appeals court ruled that Helen McCarthy, a nonsmoker with a debilitating lung disease, could sue her former employer, the state health department, for negligence in exposing her to cigarette smoke in the office. In the first suit of its kind, McCarthy is seeking \$ 370,000 in damages.

The ruling comes amid mounting evidence that "passive," or environmental, smoke is a health risk to nonsmokers. On Dec. 16, in his strongest statement yet on the subject, U.S. Surgeon General C. Everett Koop issued a report concluding that passive smoke "can cause lung cancer in nonsmokers." A November study by the National Academy of Sciences estimates that passive smoke is responsible for 2,400 lung cancer deaths a year in the U.S. "To fail to act now on the evidence we currently have would be to fail in our responsibility to protect the public health," Koop says.

GROWING MOVEMENT. Already, about 150 cities and towns, from San Francisco to Aspen, Colo., to Newton, Mass., have passed smoking restrictions of varying severity. Forty states, the District of Columbia, and federal departments such as the U.S. Army and the Merit Systems Protection Board have instituted antismoking policies. Most of these restrictions have been imposed during the past two years, and other federal agencies and state and local governments are debating similar controls. In early December the General Services Administration instituted restrictions covering its 7,000 federal buildings, which will affect 890,000 out of a total of 2.3 million federal civilian employees. Senator Orrin G. Hatch (R-Utah) is also preparing a bill that would ban smoking on commercial airplanes and other forms of public transportation.

At first, doubters said smoking bans wouldn't be enforceable. But experience has proven otherwise. "People are realizing these restrictions do work," says John F. Banzhaf III, executive director of Action on Smoking & Health, a Washington nonsmokers' rights group. Ralston Purina, Texas Instruments, Pacific Northwest Bell, and many other companies restrict smoking at work. A June study of 660 companies by the Bureau of National Affairs found that 38% had some

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controls on smoking. An additional 21% were considering them.

Proponents argue that companies can save money by restricting smoking. If a company adopts a strict smoke-free policy, it can save up to \$ 5,000 a year per employee through lower absenteeism, reduced cleaning costs, and discounts on life, disability, fire, and industrial accident insurance, says William L. Weis, a director of the Smoking Policy Institute in Seattle. Cigarette smoke has other costs as well, he argues. It can easily damage hard-disk drives in microcomputers, for example, and replacing a hard disk costs \$ 1,000.

OUTNUMBERED. Robert D. Tollison, a George Mason University professor who has done research on behalf of the Tobacco Institute, the trade association for U.S. cigarette manufacturers, disputes Weis's findings. He says that smoking restrictions actually cost companies about \$ 900 annually per smoking employee because of lost time spent in smoking lounges. The Tobacco Institute claims that no scientific studies, including the Surgeon General's report, prove a link between passive smoke and nonsmokers' health problems. "It's a pretty poor idea to base a policy on science that won't support it," says Walker C. Merryman, Tobacco Institute vice-president.

Opponents of the bans also claim that they infringe on smokers' rights. The AFL-CIO and several individual unions argue that policies that control smoking at the workplace should be established through collective bargaining rather than by corporate or legislative fiat. Some minority organizations have argued that controls are discriminatory because nonwhites, as a group, smoke more than the general population.

Those opposing smoking restrictions are clearly outnumbered. Only 30% of Americans smoke, and the percentage of workers who smoke is even lower. Even smokers disagree on the issue. Weis, who has surveyed employees at several dozen companies, says: "In every instance, a majority of smokers favored strict restrictions" -- in part, to force them to quit smoking. More prohibitions seem inevitable. After all, the nonsmokers have Surgeon General Koop on their side, and he's calling for a smoke-free society by the year 2000.

GRAPHIC: Illustration, no caption, MARC ROSENTHAL

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Daily Labor Report

JANUARY 8, 1987 THURSDAY

DLR No. 5; Pg. A-3

LENGTH: 478 words

SECTION: CURRENT DEVELOPMENTS SECTION.

TITLE: APPEALS COURT RULES NONSMOKERS MAY SUE EMPLOYERS FOR NEGLIGENCE.

TEXT:

SEATTLE (By a BNA Special Correspondent) -- The Washington State Court of Appeals rules in favor of a woman who sued her employer for negligence when she developed pulmonary disease after being exposed to the smoke of co-workers. Saying the plaintiff's case is not preempted by the state Industrial Insurance Act, the court holds that Helen McCarthy, in her appeal of an order of the state Superior Court, had a claim upon which relief can be granted.

This is the first ruling of its kind in the nation, said Carolyn McVicker, director of marketing for the Smoking Policy Institute in Seattle, a nonprofit organization which assists corporations in resolving problems created by smoking in the workplace. McVicker said previous cases involving sidestream smoke in the workplace have been civil suits in which the best settlement for a plaintiff was for the employer to create a smoke-free workplace.

McCarthy was employed by the state Department of Social and Health Services (DSHS) from February 1970 to December 1980 in an office environment in which she was regularly exposed to "cigarette and other kinds of tobacco smoke," according to McCarthy's complaint. She told her supervisor and an assistant director at DSHS that she was concerned about health effects of the smoke.

"Notwithstanding her complaints and the Department's awareness of her 'pulmonary problems,' the Department negligently failed to provide McCarthy with a safe and healthful place of employment and an office environment reasonably free of tobacco smoke," says the court. She developed obstructive lung disease, which became progressively more serious.

After quitting her job in December 1980, McCarthy sought industrial insurance benefits for her condition. The state Department of Labor and Industries denied her claim, but she appealed the decision to the state Board of Industrial Insurance Appeals. The board upheld the denial of benefits, concluding her disease was not the result of an industrial injury. Nor did it constitute an occupational disease under the state Industrial Insurance Act, said the board.

But the appeals court rules that McCarthy had a common law action for negligence. "If we were to hold otherwise, McCarthy would have effectively fallen into a 'crack' between the state industrial insurance system and the state's tort system."

"This decision creates the opportunity for employees harmed by sidestream smoke to directly sue their employer for damages," said the Smoking Policy Institute in a statement issued after the ruling.

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"This case dramatically increases the potential liability of corporations that fail to protect the health and safety of their employees," according to Robert Rosner, executive director of the institute.

(McCarthy v. State of Washington Department of Social and Health Services, Wash CtApp, No. 7667-5-11, Dec. 8, 1986.)

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LEVEL 1 - 45 OF 55 STORIES

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Government Employee Relations Report

January 12, 1987

Vol. 25, No. 1196; Pg. 46

LENGTH: 483 words

SECTION: STATE & LOCAL CASE FILE: Safety and Health.

TITLE: NONSMOKERS MAY SUE EMPLOYERS, APPEALS COURT PRECEDENT RULES.

TEXT:

The Washington State Court of Appeals rules in favor of a woman who sued her public employer for negligence when she developed pulmonary disease after being exposed to the smoke of coworkers. Saying the plaintiff's case is not preempted by the state Industrial Insurance Act, the court holds that Helen McCarthy, in her appeal of an order of the state superior court, had a claim upon which relief can be granted.

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Obstructive Lung Disease

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Directly Sue Employers

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(McCarthy v. State of Washington Department of Social and Health Services; Wash CtApp No. 7667-5-11, Dec. 8, 1986.)

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LEVEL 1 - 44 OF 55 STORIES

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February 20, 1987, Friday, Late City Final Edition

SECTION: Section A; Page 1, Column 1; National Desk

LENGTH: 1405 words

HEADLINE: MOUNTING DRIVE ON SMOKING STIRS TENSIONS IN WORKPLACE

BYLINE: By ANDREW H. MALCOLM, Special to the New York Times

DATELINE: CHICAGO, Feb. 19

BODY:

The mounting drive to limit public smoking is complicating many personal relationships and creating some serious tensions in the nation's workplace.

The immediate effects range from strained friendships to lawsuits, from verbal confrontations to ostentatious coughing and arm-waving.

Employers are eager to deflate an increasingly emotional issue that links personal health and civil rights. The antismoking drive has spawned advisers and experts, who counsel corporate clients that while some lessons can minimize the distractions and divisiveness, the antismoking movement is inexorable.

Question of Timing Only

"It's just exploded all over the world," said Robert Rosner of the Smoking Policy Institute in Seattle. "The biggest change in the last five years is that it's no longer an 'if' question, it's a 'when' question."

When Myrna Larry began agitating for no-smoking rules at her job in Minnesota, a few people would not speak to her. She says she got some anonymous late-night telephone calls. And there was at least one unpleasant hallway confrontation. But today there is no opposition because there is no smoking in the offices of that insurance company in St. Paul.

The experiences of Ms. Larry, her employer and her 699 co-workers are being repeated around the country as concern grows about evidence linking smoke in the environment to health damage, even for nonsmokers.

Tension Amid Uncertainty

In some cases, the impetus comes from employees' demands that employers restrict smoking. In others the pressure comes from regulations imposed by state and local governments.

Ironically, experts note, the worst tensions occur before precise restrictions are imposed because both smokers and nonsmokers, now estimated at 70 percent of the work force, are unclear on the rules and their rights.

Already, professionals have drawn other lessons on restrictions. One is to involve smokers and nonsmokers in drafting company regulations. Another is to

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be firm but allow ample time for workers to become accustomed to new limits, perhaps gradually introducing steps. A third is for employers simultaneously to offer and promote stop-smoking programs.

Peer Pressure, and Support

Some studies have also shown that while peer pressure is an important element in antismoking enforcement, peer support for smokers struggling to quit is helpful, too.

"We should all keep in mind," said John Pinney, executive director of the Institute for the Study of Smoking Behavior and Policy, "that while smokers are a decreasing minority, there still are 55 million in this country. Most are aware of the dangers and would like to quit if they could. It's important not to be too hard on them. Many of us, including myself, are ex-smokers who began when smoking was socially and even medically acceptable. Some sympathy, understanding and encouragement can often go farther than open confrontation."

Ms. Larry, who smoked 60 to 100 cigarettes a day until 1976, did not seek confrontation in her office at MSI Insurance Companies in suburban St. Paul. Three years ago she began a campaign of internal memorandums. In notes dispatched to virtually every executive, she observed that while they encouraged policyholders not to smoke, the company in effect encouraged employees to smoke by allowing cigarette machines on the premises.

Contradictions Discerned

"I pointed out," she recalls, "that the computer's operating manual said not to smoke nearby. And if smoke isn't good for a machine, it probably isn't too good for a human."

Rich Cowles, MSI's communications director, said: "Myrna became known as a hard-nosed militant. There were some strained relations for sure. But she gets the credit for keeping the issue alive around here. It's amazing how in a corporate setting when the top person says something is going to get done, everyone quickly falls into line."

The "top person" at MSI was Gordon E. Lundquist, a former smoker who became president in 1983. He quickly grew tired of managing the smoking conflict and appointed a committee, including Ms. Larry and some smokers. They recommended increasing restrictions over six months. Mr. Lundquist made it 15 months. He set up prize drawings for nonsmokers, new and old. A stop-smoking group held seminars and those who were able to quit received tuition reimbursements.

A buddy system was also begun. "It sounds hokey," Mr. Cowles concedes, "but 60 smokers signed up to have a buddy for support during withdrawal." The medical department offered "survival kits" of candy.

Smoking Areas Reduced

Smoking areas were gradually reduced to a small room off the cafeteria. The ventilation system there became overloaded with blue fumes. "We will not spend a lot to perpetuate the problem," said Mr. Cowles. "If the new filter works, fine. If not, we'll give people some time and become a totally smoke-free building. I think they expect that eventually now anyway."

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In New York, the State Public Health Council has approved regulations to take effect May 7 that will ban smoking in most public indoor areas and restrict it on the job and in most restaurants.

The new regulations were a response to what the council described as growing public awareness to the health risks associated with second-hand smoke and a growing resentment on the part of nonsmokers of having to breathe smoke-contaminated air.

The rules will have a major impact on businesses, which will be required to provide a smoke-free environment to any worker who requests it. Restaurants with 51 or more seats will be required to designate smoke-free areas.

In Lawrence, Kan., the plan is to have a smoker-free Fire Department. Since October, Chief Jim McSwain has hired only nonsmokers who sign contracts promising never to smoke.

In Marblehead, Mass., Officer Craig Cole, a nonsmoker, spent six years of eight-hour shifts in a patrol car with his partner, Arthur Buckley, a smoker.

"He used to roll his window down partway," said Officer Cole, a former smoker from his days in the Vietnam War. "And I would, too. But inevitably the smoke would come right across my face and I'd go home smelling like a cigarette."

When Partners Part

Mr. Cole felt he had to decide between his health or his partner. He asked the chief, a pipe smoker, for reassignment to a nonsmoking partner. Now Officer Cole is circulating a petition to ban smoking throughout the 42-member department.

Last month the North Dakota House of Representatives banned smoking while in session, which pleased Dale Marks but threatens Wade Williams's perfect voting record. The Representatives sit side by side. Mr. Williams smokes. Mr. Marks does not. Now, Democratic and Republican smokers gather for legal puffs in the party leaders' offices just off the House floor. And when a vote is called, they all come stampeding back to their seats.

"Oh, I understand how nonsmokers feel," says Mr. Williams, a 26-year-old farmer, "I don't want to bother anybody. When I started smoking, I was alone out on the tractor."

When school co-workers ignored Gloria Smith's pleas not to smoke around her, the New Orleans teacher took to eating in her classroom. "I put up with all sorts of ridicule," she said. This year Mrs. Smith changed schools. Grumbling Evaporates In San Francisco, which was among the first cities to enact smoking restrictions three years ago, the city's enforcement officer, Bruce Tsutsui, says initial grumbling quickly evaporated. He has had 275 complaints; all were resolved before a formal hearing.

In Alaska, where all workplaces are considered nonsmoking unless employees and employers decide otherwise, some smokers still resent having to make special arrangements. "It makes you feel like street people," said Nicki Ebert, a shivering City Hall worker, who had to smoke outside.

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(c) 1987 The New York Times, February 20, 1987

Many companies have found restrictions that do not appear punitive can help many smokers quit. "A lot of people are just looking for an incentive," said Mr. Pinney.

Managers at Atlanta's Superior Insurance Company place a flower on the desk of every new former smoker. Ms. Larry, the Minnesota antismoking advocate who even endured remarks about her weight problem, has no hard feelings and finds herself drawn now to congratulate former smokers.

"Of course, no one ever did or said anything serious to me," she says. "They know I'd kill 'em."

GRAPHIC: Photo of police officer Craig Cole, who requested reassignment to non-smoking partner (NYT/Rick Friedman); Photo of Myrna Larry, who works in a smoke-free office (NYT/Steve Voit)

SUBJECT: SMOKING; LABOR

NAME: MALCOLM, ANDREW H

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LEVEL 1 - 43 OF 55 STORIES

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March 16, 1987

SECTION: Vol 3; No 21; Sec 1; pg 19

LENGTH: 2272 words

HEADLINE: WARNING: No Smoking in the Office Anymore

BYLINE: Mary Patterson

DATELINE: Buffalo; NY; US

BODY:

WARNING: The New York State Public Health Council has determined that smoking should be banned or severely restricted in most indoor public areas.

Come May 7, smoking will be prohibited in airports, shopping malls, hotel lobbies, taxis, hospitals and restrooms. It will be restricted in the workplace and in restaurants with seating for more than 50.

The rules are a culmination of the anti-smoking sentiment that has been building across the country. As smoking rates decline and scientific studies continue to add more evidence to the dangers of both smoking itself and being exposed to "secondhand smoke," smoking has become a habitua non gratis.

In the early '60s, when the Surgeon General released a damning report on the potential effects of cigarette smoke, approximately 50 percent of American adults smoked. Today, just under 30 percent light up.

Late last year, a research committee impaneled by the National Academy of Science concluded that nonsmokers who are exposed to other people's smoke face increased risks of respiratory infections, irritation and lung cancer.

All the evidence, plus the increased stridency of nonsmokers, has led 40 states and 800 localities or restrict smoking in a variety of areas.

The Public Health Council rules, however, represent the most sweeping of the lot. For many, including some smokers, the rules don't come a moment too soon. For others, they are a massive headache incarnate.

"They go a long way toward solving the problem," said Russel Sciandra, who heads the Cancer Information Service at Roswell Park Memorial Institute and is a member of the Western New York Coalition Against Smoking. He said the Cancer Information Service has been fielding calls about the new rules.

"We've gotten a large number of calls, primarily from employers, about implementing the law," he said. "Most of the people we're talking to want to make a good-faith effort."

Meanwhile, many business owners and restaurateurs are concerned that meeting the letter of the law will present immense problems. The Business Council of

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New York State and New York State Restaurant Association have come out in opposition to the rules.

"We view smoking as an issue that is best handled on a company-by-company basis," said Raymond Schuler, president of the Business Council. He said it would be "virtually impossible" to enforce the regulations.

Under the regulations, which were adopted as amendments to the state Sanitary Code, employers must provide a smoke-free work area for any employee who wants it. Smoking is also banned in company auditoriums, classrooms, conference rooms, elevators, hallways and restrooms. Company cafeterias must also provide sufficient nonsmoking areas for employees.

Some companies may choose to prohibit smoking entirely. In companies where every employee smokes, smoking would still be restricted in common areas.

County health departments would enforce the regulations, which must be displayed. However, most agree that enforcement would require a complaint. Employers could be fined up to \$ 1,000 for noncompliance.

For those smokers in private offices, it still will be okay to light up, provided the company allows it.

Restaurants with more than 50 seats must set aside a separate dining area which is large enough to meet the demands of nonsmokers. Bars and the bar portion of restaurants do not have to restrict or ban smoking.

While the regulations are set to take effect May 7, a lawsuit has been filed by opponents who argue that the Public Health Council does not have the authority to impose those restrictions. The plaintiffs contend tht the Public Health Council "exceeded (its) powers and violated the constitutionally imposed separation of powers doctrine."

Not surprisingly, the Tobacco Institute agrees and is backing the suit both verbally and financially.

"Our research shows that New York is virtually the only state where an unelected regulatory body has this kind of power to lay down laws," said Scott Staph, assistant to the president of the Tobacco Institute. He said his organization is "substantially involved in the funding" of the suit to overturn the regulations. The suit was brought by two state legislators and several business groups.

Staph said the odds are against this or similar regulations finding their way into law.

"We've found that 92 percent of the smoking restriction bills on county or state levels are defeated or die in the legislature. There's a lot of smoke, but not much fire, in terms of anti-smoking regulations across the county," he said.

Even if the rules are overturned, many employers are taking on the issue of smoking in the workplace. The Seattle-based Smoking Policy Institute is actively involved with helping employers nationwide formulate smoking policies for their employees.

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"When we first began," said Jennifer Pepino, a spokeswoman for the organization, "we dealt mostly with whether companies should have policies. Now we're dealing with how to implement those policies. It is very much a trend. Once you start the ball rolling, the effect is enormous," she said.

In addition to helping set policy for employers, the institute provides teaching tools and videotapes to ease the process of converting a workplace into a nonsmoking or smoking-restricted area. "We've helped thousands of companies over the phone," Pepino said, in addition to the approximately 60 who have paid the institute to set up tailored programs for their facilities.

Several companies across the country have enacted stiff nonsmoking programs for a variety of reasons. Pacific Northwest Bell in Washington banned smoking in all 750 of its office buildings. The company had tried earlier to restrict smoking but found it did not work.

The U.S.G. Corp. banned smoking by employees both on and off the job. The company said it was justified because studies indicated that smokers, in particular, could be adversely affected by some of the materials used in making its acoustical products. Employees will undergo periodic tests to determine whether they are smoking, but the company will rely primarily on employees' "honor and their common sense."

Other companies justify their smoking restrictions not only by comfort for nonsmoking employees, but also the cost of employing a smoker. One such study found that each smoker may cost an additional \$ 4,000 per year in lost time, absences, property damage and medical and insurance expenses, according to a report in the New York Times.

The Surgeon General estimated that a smoker costs \$ 500 per year more than a nonsmoker to employ due to absenteeism and health insurance costs.

The Bureau of National Affairs and the American Society for Personnel Administration surveyed 662 private employers last year on whether they had established a smoking policy. The study found that 36 percent had already done so and 2 percent were planning to. Smoking policies were being considered by 21 percent. Most of the employers with policies in place said they were supported by both smokers and nonsmokers.

Most observers agree the trend away from smoking in offices will continue, even if there is not a concomitant decline in smokers. In the future, where smokers and nonsmokers must share space, the rights of the nonsmokers will prevail.

If the Public Health Council's regulations withstand the court challenge, they will affect virtually all companies within the state. For those companies that are having trouble formulating an acceptable policy, the law allows them to request a renewable waiver that would exempt them from meeting the regulations if it would cause them "undue financial harm."

For companies that have yet to formulate a policy but have every good intention of doing so, information is available from the Western New York Health Care Coalition, which offers publications and other materials, as well as worksite smoking cessation programs.

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Employers in No Hurry to Enact Smoking Ban

In the world of bureaucracy, two months is the blink of an eye. But for some reason, many of Buffalo's largest employers are taking a "What, me worry?" attitude toward the mandatory smoking restrictions set to begin May 7 in New York state.

In February of this year, the state Public Health Council adopted a set of amendments to the state Sanitary Code that would prohibit smoking in most public locations, including many office and building areas.

Even in those offices where most or all of the employees smoke, the prohibitions would hold for such areas as conference rooms, hallways and rest-rooms. Employers are charged with both implementing the rules and seeing that they are followed.

The regulations have met with disapproval from many groups, including the Business Council of New York State, which has said the regulations pose unfair restrictions on private businesses and would be extremely difficult to put into action.

In addition, the Council has joined several

other groups and two state legislators in bringing a lawsuit against the regulations. The suit charges that the Public Health Council does not have the legal authority to impose such wide-ranging regulations. Rather, they contend, the changes should be enacted by elected bodies, such as the state Legislature.

In Buffalo, the regulations have yet to spark a great movement toward setting policies by some of the larger companies. A telephone check with seven of the largest employers found that four of them were "studying the issue" but don't have anything definite yet.

The others had policies that range from polite respect for nonsmokers' rights to outright banning of smoking in virtually all areas of the facility.

General Motors Corp. has several sites in Western New York and upward of 16,000 employees. To date, the company does not have a plan for meeting the New York state regulations.

"We're reviewing it at this time," said Pete Peterson, regional public relations manager for General Motors.

The Buffalo Board of Education has 6,000 employees and 77 buildings across the city. Although nothing is definite, the board will probably address the issue at its meeting on March 25, said Albert Thompson, deputy superintendent.

"We're looking at buildings, trying to determine whether we can set aside smoking areas or whether we must ban smoking completely," he said.

"In a couple of weeks, we're going to have a meeting" to discuss the smoking issue, said John Dobinski, vice president of personnel for Niagara Frontier Services Inc., the parent company of Tops supermarkets. "It is something we as employers and community leaders should be thinking about," he said. The company employs over 10,000 people on a full- or part-time basis.

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The state University at Buffalo is several steps closer to actually implementing a smoking policy, according to Cliff Wilson, assistant vice president for Human Relations. However, the work on the policy began long before the Public Health Council issued its regulations.

"Four or five months ago, we got a memo from the governor's Office of Employee Relations saying we ought to establish a committee to discuss a smoking policy," Wilson said.

However, the state regulations put a wrench into the works and now the committee, composed of Wilson and representatives from the university's unions, is waiting to see whether they must adjust their recommendations to the president.

"If the (Public Health Council's) policy holds, it's just a question of implementing it, not a question of philosophy," Wilson said.

The university comprises several campuses and employs 10,000.

The United States Postal Service, which has 4,350 area employees, falls under the guidelines imposed by the federal General Services Administration. According to Steve Rockwitz in the Safety and Health Department of the Postal Service, smoking is allowed only in designated areas and private offices.

The 4,300 Western New York employees of Marine Midland Banks Inc. are covered by a policy that coaxes rather than commands. "It says 'You've got to respect the rights of both smokers and nonsmokers,'" said Patrick O'Leary, vice president and regional human resources manager for the bank. There are 89 Marine Midland locations in Western New York, not including the Marine Midland Center, which is owned by Jon Kreedman.

"We've prohibited it in some areas, permitted it in some and designated it in some," he said.

If individual employees cannot work out satisfactory accommodations, then they first bring it to the attention of their supervisor. From there it goes to the Human Resources Department.

If all else fails, O'Leary said, the wishes of the nonsmokers prevail.

The Marine Midland policy went into effect for all bank operations in and out of state on March 2. So far, O'Leary said, there have been no problems with it.

The strictest policy among the employers contacted by Business First was the one proposed for Buffalo General Hospital. There, the hospital must meet state regulations as both a health facility and an employer. For all visitors, smoking is prohibited. It is also not allowed in individual patient rooms.

For employees, each Buffalo General site will have one area that is designated for use by smokers.

"We've been working since August to formulate our plans," said Susan Hunt, assistant administrator. "We feel confident that the majority of our employees will go for it."

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Hunt said a survey showed most hospital employees wanted a smoking policy and that the state regulations were a mere formality.

"We would have made those changes anyway."

GRAPHIC: Cartoon

SUBJECT: Public health; Smoking; State regulation; Employment policies; Regulatory agencies; Middle Atlantic

NAME: Cliff Wilson; Patrick O'Leary; Jennifer Pepino; Scott Staph

GEOGRAPHIC: Middle Atlantic Region; Buffalo; NY; US

COMPANY: General Motors Corp; DUNS: 00-535-6613; SIC: 3714;3711;3585; TICKER: GM
Marine Midland Banks Inc; DUNS: 00-697-6732; SIC: 6711;6022; TICKER: MM
Buffalo General Hospital Inc; SIC: 8062

LOAD-DATE-MDC: February 9, 1988

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LEVEL 1 - 42 OF 55 STORIES

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Daily Labor Report

APRIL 3, 1987 FRIDAY

DLR No. 63; Pg. A-1

LENGTH: 267 words

SECTION: CURRENT DEVELOPMENTS SECTION.

TITLE: WASHINGTON STATE SUPREME COURT WILL REVIEW SECONDHAND SMOKE CASE.

TEXT:

OLYMPIA, Wash. (By a BNA Special Correspondent) -- The Washington State Supreme Court will review the case of a woman who sued her employer for negligence for allowing smoking in the workplace, which she said caused her chronic pulmonary disease.

The Washington State Court of Appeals ruled Dec. 8, 1986, that McCarthy could sue her employer, The Department of Social and Health Services, for negligence in exposing her to the smoke of co-workers and that her case could not be preempted by the state Industrial Insurance Act (1987 DLR 5: A-3).

The appeals court ruling was the first of its kind in the nation, said Carolyn McVicker, director of marketing for the Smoking Policy Institute, a nonprofit corporation which assists corporations in resolving problems created by smoking in the workplace.

McCarthy worked for the state agency for 10 years, then quit in December 1980 when her employer refused to provide her with a smoke-free office environment. She developed obstructive lung disease and sought industrial insurance benefits for her condition. The state Department of Labor and Industries denied her claim, but she appealed the decision to the Board of Industrial Insurance Appeals. The board upheld the denial of benefits, concluding her disease was not the result of an industrial injury nor did it constitute an occupational disease under the Industrial Insurance Act. But the appeals court ruled that McCarthy had a common law action for negligence.

(McCarthy v. State of Washington Department of Social and Health Services; Wash SupCt, No. 535485, review granted March 31, 1987.)

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LEVEL 1 - 41 OF 55 STORIES

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April 3, 1987, Friday, Final Edition

SECTION: STYLE; PAGE B1

LENGTH: 4102 words

HEADLINE: Cry, The Embattled Smoker;
Fume and Gloom As Activists Invade Tobacco Road

BYLINE: Curt Suplee, Washington Post Staff Writer

BODY:

You glide into that reception like you're docking the QE2. Pause a moment to peruse the murmuring throng. Your hand slips to the breast pocket . . . but wait. Can it be? Nobody's smoking? Oh, but there's . . . No, hell, it's a candy dish. You notice a couple of heads swiveling anxiously. Nobody wants to be first. You reach breastward again, but it's no good. You're a law-abiding, tax-paying citizen. This is nothing to be ashamed of. And yet you can't bring yourself to light that cigarette.

And pretty soon there you are in your best suit, skulking between the fire exit and a dumpster full of fish parts, having your sullen smoke and wondering when the fun went out of it. Wondering if you're really seeing the last gasp for the habit that's had America by the throat for 500 years -- ever since a puzzled Chris Columbus, on Nov. 6, 1492, took note in his journal of "women and men, with a firebrand in the hand, and herbs to drink the smoke thereof, as they are accustomed."

And so we were for centuries, what with four out of five doctors concurring and not a cough in a carload. Even the cancer reports -- scary, sure, but what the heck, it wouldn't be you and besides, wasn't it a sort of victimless crime?

But then came the mid-'70s, the liberation movement boom, and people you'd never heard of seemed to have rights you'd never imagined. "Back as early as '79," says a former three-pack-a-day man, "I'd begun to feel myself to be part of a tiny, embattled minority. Indeed, what with gay rights and women's lib in the mainstream, smokers had become the last social group which it was acceptable to despise."

Overnight, it seemed, the nation developed an epidemic palsy of subnasal hand-wagging; smoker-baiting became a nasty cocktail party amusement; gust-engulfed restaurant patrons, coughing ostentatiously, pounced with incendiary relish on hapless tobaccoconites five tables away. Monstrously ironic "Thank You for Not Smoking" signs became ubiquitous as Kliban kitties. Puffers retreated into a war zone mentality, their social lives the first casualties.

"Smoking!" growls a 32-year-old Alexandria woman, an executive at a national association and a hearty smoker. "It's the first thing men notice. I could look like Cybill Shepherd or a German shepherd -- it doesn't matter at all!"

"I kind of view myself as an easygoing person. But I still get ticked off when I go into somebody's house and don't see ashtrays. So you ask, and they make a big production of searching all over the place, rattling the cabinets."

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And finally they hand you the lid to some old jar, and say, 'Here -- I guess you can use this.' "

Not that she's even safe at home. "I was having a dinner party one night, eight, 10 people, and I light up a cigarette. This young woman next to me, somebody's date, she says, 'Excuse me, but smoke bothers me.'

"I said, 'Well, excuse me, but this is my own house!' Can you believe it?"

In the Noose of Regulation

But in the past three months, the climate of opinion has grown even more hazardous to smokers' mental health -- starting with Surgeon General C. Everett Koop's December pronouncement about the dangers of secondhand or "sidestream" smoke on nonsmokers.

Scarcely had the first wheeze of shock subsided when Chicago-based USG Acoustical Products told its 2,000 employees that where there's smoke, you're fired: All workers would have to quit smoking (at the office and at home) and would be given pulmonary-function tests to ensure compliance. Then in February new restrictive regulations went into effect for 890,000 federal workers in 6,800 buildings owned or leased nationwide by the General Services Administration. A few days later, talk show host Larry King -- who smoked slightly more than Gary, Ind. -- had a heart attack at 53.

Then on March 9, Cambridge, Mass., joined a growing list of cities (prominently including Beverly Hills, Calif., and Aspen, Colo.) that have banned smoking in most public places. Last Tuesday, the Montgomery County Council, like other area jurisdictions, approved a bill restricting smoking to designated areas in large restaurants.

And mass consciousness is due to ratchet up another notch on May 7, when New York State's new regulations go into effect, severely restricting smoking in public places and requiring employers to provide a smoke-free environment for workers requesting it.

(Actually, even the most draconian of the new ordinances seem outright timid compared with 17th-century New England's. In 1646, the General Court of Massachusetts passed a law forbidding settlers to smoke unless they were on a journey of five miles or more from any town, which makes walking a mile for a Camel look positively pedestrian. And the following year, a Connecticut statute limited tobacco use to once a day in the smoker's home -- "and then not in company with any other.")

"It's the number one etiquette problem today," says Judith (Miss Manners) Martin, and no one knows that better than the television industry, which has filtered so much smoke from the airwaves that many barroom or nightclub scenes now look downright improbable (though fastidious watchers of the Johnny Carson show say they have seen errant cloudlets just after commercial breaks). And now TV has lost the last high-tar star in prime time: Don Johnson of "Miami Vice." NBC was deluged with complaints that he was Setting a Bad Example for Youth, and "we were very frustrated," says Ralph Daniels, NBC's vice president for broadcast standards. Johnson was an off-screen smoker, and "we just couldn't get him to quit. But eventually he agreed," and viewers will be seeing a smokeless Sonny soon.

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The New Zealots

Not surprisingly, enthusiasm is growing among antismoking forces, from the acronymic army -- CATS (Citizens Against Tobacco Smoke), ASH (Action on Smoking or Health), GASP (Group Against Smoking Pollution) and so forth -- to the associations for your heart, lungs and other imperiled giblets.

"It's no longer an 'if' question," says Robert Rosner of the Seattle-based Smoking Policy Institute, "it's a when question." With public attitudes shifting, says Ahron Leichtman, president of CATS, "we're not perceived anymore as these weirdo freaks."

Or particularly reticent. "I'd rather date a man with herpes than one who smokes," says a prominent local journalist. And Ben Nields, 32, a local antismoking activist, has even more stringent standards. He won't even date an ex-smoker for fear she might restart. In fact, "there've been a couple of people I've gone out with -- they never smoked themselves, but they had a parent who smoked. I got to thinking, I don't really want an in-law who smokes." The relationship was doomed. "So I told this one lady, 'When your mother dies, let me know.' That obviously broke it up."

And now across the country, the nation's remaining 55 million to 60 million smokers are finding themselves beset with a new arsenal of insults from mere irritables to outright humiliations. When Fidel Castro swore off his trademark stogies last year as an example to Cuban men, he predicted that "there are going to be many women who will fight with their husbands." He didn't know the half of it. The growing zeal of antifumatory partisans and the often desperate intransigence of smokers are now colliding everywhere, not sparing even those intimate venues traditionally exempt from larger social forces:

A 30-year-old Virginia woman with six brothers and sisters would love to look forward to seeing her family. But she's allergic to smoke and asthmatic to boot. And "two out of seven children are chain smokers." So when the siblings convene at their parents' home in Pennsylvania for Christmas or Thanksgiving, cigarettes "just spoil the vacation," she says. Including often violent arguments over the dinner table.

.. "It starts toward the end. They'll light up and I'll be sitting there sneezing and blowing my nose, and somebody else will say, 'Do you have to light that up now?' And my sister will say, 'If you don't like it, why don't you go somewhere else?' And I'll say, 'That's not fair. I'd like to at least finish my dessert.' And my brother will say, 'Hey -- it's only once in a while that we're all home, so just lay off!'"

"Pretty soon everybody's screaming at each other and my dad will say, 'Okay, let's hold it down, kids.' At Thanksgiving it was just horrible, in front of company and everything."

It's hard to get a policy ruling, since the father is a cigar smoker, the mother a "sneaky" cigarette smoker, she says. "Dad has put ceiling fans up everywhere, and we open the windows, even in the winter." They're a big, loving Catholic family, happy in every other regard. "But I just can't stand it anymore, the teary eyes and mascara running. And one of my sisters is pregnant and she's worried."

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If there is one institution in contemporary life wherein smoking is not simply accepted but virtually cherished, it is Alcoholics Anonymous. For those who have painfully squeezed the liquor from their lives, "you can't just kick away their last addictive crutch," says an AA veteran. So by immemorial tradition, meetings are conducted amid the squeaking of styrofoam cups and thick blue clots of smoke. Yet one local group, which has kept the same core participants for eight years, finally broke up recently -- over smoking.

"The guy who was to lead the discussion that evening," says a longtime member, "had been contacted earlier by nonsmokers" who wanted the subject brought up. It was, to the angered muttering of many. As tempers rose and oxygen content dropped, votes were taken, compromises mulled, air filtration machines considered, outrage vented. "It got very unpleasant. Finally one guy couldn't stand it anymore. He yells, 'Goddam it, I came here to talk about drinking, not this.' He just sat there and fumed for the rest of the night. I haven't been back since."

When a Lovely Flame Dies

But then, more intimate bonds have been broken. For a 26-year-old suburban Maryland woman, smoking was the reason that, after 2 1/2 years, she recently left the man she once expected to marry.

"When I first started dating him," it hadn't mattered much, she says. "I was infatuated with his humor, his interests, his charisma. Still, I used to delude myself into thinking: Even if I leave this relationship, I want to be the girl who helped him to quit. I got all the brochures from the lung and heart associations, talked to people who had quit and asked how they'd done it. I tried that old business about 'Give 'em a kiss instead of a cigarette.'" All without mentioning her concern.

But as months went by, "I passed this very nebulous border where you feel you have the right to say these things. But by then, it's too late. He just said, 'Well, it never bothered you before.'" She looked hard at his soft 36-year-old body slouched in the armchair and knew that it had. She'd always been keen on exercise and half serious about health foods. "I realized that he could only be at his best in his apartment in a smoke-filled room. And then I began to resent the fact that he didn't take his own health as seriously as I did. Yet I was going to marry the man?"

Soon she was noticing "his other bad habits -- the fried foods, the lack of sleep, too much coffee." Once-amusing quirks became exasperating faults. "We'd be watching TV and I'd want to go out for ice cream. He'd say, 'Nah, it's too late.' I couldn't get him out of that chair. But if he ran out of cigarettes, you can bet that we'd be down at High's no matter what time it was."

Finally "one day I realized that I had begun to be physically repulsed by the smell of him, his breath." Her sex drive took a U-turn, and his increasingly desperate entreaties went from irritating to pathetic. A few weeks later she was gone. "Smoking," she says, sighing, "really got to be the biggest thing between us."

But trying to quit can be "actually worse than just smoking," says a 33-year-old union official who's dating a would-be quitter. "We can't get anywhere. I refused to buy cigarettes for him out of principle. And he won't

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buy a carton because he's always trying to quit. So we get up early and we're trying to get somewhere in a hurry and, wait, we've got to stop at the 7-Eleven for one pack. It was driving me crazy. Finally I started buying him cartons in self-defense. Our whole lives are driven by this need."

Mixed-lung couplings of that kind, however, are growing more rare. Numerous area dating services report that they are often able to mate up tubbies, nerds, mutants and jerks before smokers. Claire McCarthy of Matchmakers International says that "there's a definite increase in the number of people asking for nonsmokers. In fact, somebody just called with a pretty nasty complaint because we'd matched her up with a guy who was in every other respect absolutely perfect."

Another service, Together, has eight offices in the Baltimore-Washington area. Sometimes, says franchise coowner Diane Megahan, smokers need a hard sell. "We'll usually call the nonsmoker and say, since it's such a great match, would they mind giving it a chance? After all, the smoker can always quit."

Or just pretend. Rosner of the Smoking Policy Institute recently found himself seated on an airplane next to "this really attractive young woman" who enjoyed smoking, but wouldn't sit in that section: "I can't breathe back there." It turned out to be only one of many locales in which she forbore. "Oh, the worst is the bars," she moaned. "There's all those people smoking and drinking and enjoying themselves. And I can't light up." Well, why not? Rosner asked. "Are you kidding? What happens if one of those guys saw that I was a smoker? I'd never get a date!"

"Even big CEOs," says Rosner, "can get uptight about it like anybody else. I talked to this one guy, he's worth like \$ 30 million. And he says to me, 'It's really weird. I'll go into a meeting at another firm, and suddenly I'm anxious, wondering if I can smoke. I look around to see if there's any ashtrays.' " For the sake of his concentration, the executive said, "I'd rather know in advance that I couldn't smoke for three hours instead of wondering about it. Smokers right now need to know the rules."

Many antismoking activists are delighted to help. A young Washington woman and occasional smoker, arriving for a small dinner party at a private home in February, noticed something odd on the dining room table -- a plastic sign bearing the international "no smoking" logo. Nestled among the decorations, it looked about as appropriate as a UNICEF can.

But the rules were clear. A Portland, Ore., restaurant uses a subtler tactic, offering a 15 percent discount for nonsmoking tables. It makes the peer pressure fiercer: If one diner lights up, everybody gets burned.

Which is how smokers may soon find themselves, if current trends in the workplace hold. Smoke containment is now so urgent an issue that it "has become a design criterion" for new offices, says Frank Hammerstrom, senior principal at the Hellmuth, Obata & Kassabaum architectural firm in New York. Some companies are installing filters and reorganizing their space to accommodate smokers. (As of last year, The Wall Street Journal reports, 36 percent of employers had smoking policies in effect, and another 21 percent were considering them.)

But that's a stopgap solution, as more and more outfits opt for open work spaces and modular "systems" furniture. "What I expect to see," Hammerstrom

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says, "is that in the open-plan areas they will simply eliminate smoking entirely. The snowball is now at the top of the hill."

And it's rolling toward federal employees, too. The GSA's new smoking restrictions were timed to coincide with a push to consolidate agency offices from numerous leased spaces into fewer central locales and open-design areas using less floor space. "With systems furniture," GSA administrator Terence Golden said last fall, "we can save 40 square feet per person on average." Which means, in an office with nine-foot ceilings, more than 350 cubic feet less air space per person.

So woe, nowadays, to the job applicant who is puffing something besides himself. In a recent national survey of 1,000 executives, 73 percent said that if an applicant smoked during an interview it reduced his chances of getting hired. "There's a clear trend toward people who definitely feel real strongly about" hiring nonsmokers, says a spokesman for Thomas, Whelan Associates, a Washington executive placement firm.

Within the past two years, says Chuck Cherel, president of Professional Search Personnel, "all of a sudden we're getting requests for nonsmokers. And we're getting applicants who say they will only accept a smoke-free environment."

That's the subject of a pack of bills before Congress. In the House, there is legislation proposed by James Scheuer (D-N.Y.) to restrict smoking to designated areas in all U.S. government buildings; by Robert Torricelli (D-N.J.) to prohibit smoking on domestic commercial flights; and by Pete Stark (D-Calif.) to amend the IRS code to disallow tax deductions for advertising or promotion of tobacco products.

In the Senate, Orrin Hatch (R-Utah) has sponsored legislation to prohibit smoking in public conveyances and in the Senate wing of the Capitol. And a bill introduced by Bill Bradley (D-N.J.), John Chafee (R-R.I.) and Jeff Bingaman (D-N.M.) would dump the tax deduction, increase the cost of tobacco products at military bases and double the tax on cigarettes.

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Since the Arab oil embargo, it has become a common airline cost-cutting practice to restrict the amount of outside air pumped into the cabin. The intake system runs off the engines, and using it burns additional fuel. That costs money, and so airlines usually prefer to simply recirculate the existing atmosphere.

There are some precedents for an airborne smoke-out. Air Canada has been experimenting with a ban on flights of two hours or less. And Texas-based MuseAir, proclaiming itself the first "no smoking" airline, flew from 1981 to '85 before financial problems forced it to merge with Southwest Airlines. Leichtman of CATS, a national coalition of 42 antismoking groups, has set a target date of Thanksgiving for an airline ban. By then, he says, "the only thing smoked on the plane will be the turkey."

Many antismoking partisans, however, are not holding their breath, since the new chairman of the Senate aviation subcommittee is Wendell H. Ford (D) from the burley-rich state of Kentucky. But tobacco sales there are down; and a poll released in March by the Louisville Courier-Journal found that 72 percent of respondents favored nonsmoking sections in offices, restaurants and airplanes; and only 9 percent opposed restrictions.

The Right to Smoke

This despite the tobacco companies' considerable efforts to encourage smoker self-assertion -- redolent in its bluff futility of the last Ptolemaic sniping against the encroaching Copernican universe. As R.J. Reynolds puts it on the inside of its cartons: "If you have decided to smoke, you have the right to enjoy smoking without being harassed." RJR (which, at the tour desk of its Winston-Salem, N.C., plant, has a sign that reads: "Thank You for Smoking") calls this a "fact." The Tobacco Institute, the Washington-based trade association that represents tobacco manufacturers, is somewhat more ecumenical: "The smoker has a right to enjoy something that gives him pleasure, and the nonsmoker has a right to avoid being annoyed by cigarette smoke . . . neither group has 100 percent of the rights."

In fact, there are precious few "rights" to go around. In some circumstances, collective-bargaining agreements may contain provisions allowing smoking in the workplace; in many jurisdictions, while such agreements are in effect, an employer cannot unilaterally impose a smoking ban. But aside from that, the current state of the law apparently does not recognize a "right to smoke."

That came as a surprise to Stanley and Elka Diefenthal. They had booked first-class smoking seats from New Orleans to Philly on Eastern; but when they boarded, they were told that the smoking section was full and that if they were determined to puff, they'd have to do it with the rabble back in coach. The couple sued Eastern and the Civil Aeronautics Board (for exceeding its authority in regulating smoking) and demanded \$ 10,000 for their "serious embarrassment and humiliation." The suit was dismissed; the pair appealed. And in 1982 the case wound up in the Fifth Circuit U.S. Court of Appeals, which called the affair "a relatively trivial incident" and affirmed the lower court's dismissal.

It is no trivial issue, however, for the 60 million Americans who spend \$ 30 billion a year on tobacco products.

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In the past 10 years, smokers have declined from 37 percent of the adult population (42 percent of males and 32 percent of females in 1976) to 30 percent today. Per-capita annual consumption of cigarettes hit an all-time high in 1963 (4,345 units, about 12 a day) though the total number sold did not peak until 1981 at 634 billion. Since then, sales have dropped below 600 billion and per-capita intake is down to 3,378 (around nine a day, roughly the 1949 figure). In fiscal 1984, federal, state and local taxes on that wad amounted to more than \$ 10 billion.

Though tobacco pervades every demographic niche, it is generally true that the more money and education you have, the less likely you are to smoke. (With one conspicuous exception: women who work outside the home, including a disproportionately large number of professional women.) Widows and the unmarried constitute the lowest percentage of users, separated or divorced persons the highest by a substantial margin. High school girls smoke more than boys, blacks more than whites -- not surprising, perhaps, given the amount of its \$ 2 billion yearly ad expenditure the industry aims at young women and minorities. (And raising the nightmare query: If a company refused to hire smokers, would it constitute de facto discrimination?)

Various subgroups choose to smoke for a bewildering variety of reasons -- not all of them amenable to logic or social pressure. For example, in Utah only about 16 percent of the total adult populace smokes, "yet the rate of smoking for non-Mormon women," says Rosner of the Smoking Policy Institute, "is 40 percent." The reason? "It's the easiest way," Rosner believes, "to prove you're not a Mormon." Similarly, he has found that nurses have a surprisingly high smoking rate. "They're in the high 20s," says Rosner, "whereas doctors are at 6 to 10 percent." After asking around a bit, he found out why: "If they're off having a cigarette, they won't be disturbed. One nurse told me, 'I don't really like smoking, but it's the only way I can get people off my back.' "

Meanwhile, as the national clamor continues, even some of the hard core is softening. A local journalist recently jumped into a Windsor cab. The interior was festooned with the familiar "No Smoking" signs. Yet there was the driver smoking away like a Weber grill full of cheap pork chops. The signs, it turned out, were for the passengers only. "In the winter time," the sheepish cabbie explained between lung-loads, "the windows are closed, and four or five of 'em get in here and they all start puffin' at once. I just can't stand it."

GRAPHIC: ILLUSTRATION, STAYSKAL-THE TAMPA TRIBUNE; ILLUSTRATION, JOE TEODORESCU FOR TWP

TYPE: FEATURE

SUBJECT: SMOKING AND HEALTH; EMPLOYMENT CONDITIONS (WORKPLACE); SEXUAL RELATIONS; TOBACCO INDUSTRY

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LEVEL 1 - 40 OF 55 STORIES

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April 18, 1987, Saturday, Orange County Edition

SECTION: View; Part 5; Page 4; Column 1; View Desk

LENGTH: 2620 words

HEADLINE: IS SMOKING IN PUBLIC ON ITS LAST GASPS?;
TEMPERS FLARE AS ANTI-CIGARETTE FORCES WAGE AN ALL-OUT WAR

BYLINE: By CURT SUPLEE, Washington Post

BODY:

You glide into that reception like you're docking the QE2. Pause a moment to peruse the murmuring throng. Your hand slips to the breast pocket . . . but wait. Can it be? Nobody's smoking? Oh, but there's. . . . No, hell, it's a candy dish. You notice a couple of heads swiveling anxiously. Nobody wants to be first. You reach breastward again, but it's no good. You're a law-abiding, tax-paying citizen. This is nothing to be ashamed of. And yet you can't bring yourself to light that cigarette.

And pretty soon there you are in your best suit, skulking between the fire exit and a dumpster full of fish parts, having your sullen smoke and wondering when the fun went out of it. Wondering if you're really seeing the last gasp for the habit that's had America by the throat for 500 years -- ever since a puzzled Chris Columbus, on Nov. 6, 1492, took note in his journal of "women and men, with a firebrand in the hand, and herbs to drink the smoke thereof, as they are accustomed."

'Victimless' Crime

And so we were for centuries, what with four out of five doctors concurring and not a cough in a carload. Even the cancer reports -- scary, sure, but what the heck, it wouldn't be you and besides, wasn't it a sort of victimless crime?

But then came the mid-'70s, the liberation movement boom, and people you'd never heard of seemed to have rights you'd never imagined. "Back as early as '79," says a former three-pack-a-day man, "I'd begun to feel myself to be part of a tiny, embattled minority. Indeed, what with gay rights and women's lib in the mainstream, smokers had become the last social group which it was acceptable to despise."

Overnight, it seemed, the nation developed an epidemic palsy of subnasal hand-wagging; smoker-baiting became a nasty cocktail party amusement; gust-engulfed restaurant patrons, coughing ostentatiously, pounced with incendiary relish on hapless tobacconites five tables away. Monstrously ironic "Thank You for Not Smoking" signs became ubiquitous as Kliban kitties. Puffers retreated into a war zone mentality, their social lives the first casualties.

First Thing Noticed

"Smoking!" growls a 32-year-old Alexandria, Va., woman, an executive at a national association and a hearty smoker. "It's the first thing men notice. I

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could look like Cybill Shepherd or a German shepherd -- it doesn't matter at all!

"I kind of view myself as an easygoing person. But I still get ticked off when I go into somebody's house and don't see ashtrays. So you ask, and they make a big production of searching all over the place, rattling the cabinets. And finally they hand you the lid to some old jar, and say, 'Here -- I guess you can use this.' "

Not that she's even safe at home. "I was having a dinner party one night, eight, 10 people, and I light up a cigarette. This young woman next to me, somebody's date, she says, 'Excuse me, but smoke bothers me.'

"I said, 'Well, excuse me, but this is my own house!' Can you believe it?"

In the past three months, the climate of opinion has grown even more hazardous to smokers' mental health -- starting with Surgeon General C. Everett Koop's December pronouncement about the dangers of secondhand or "sidestream" smoke on nonsmokers.

Scarcely had the first wheeze of shock subsided when Chicago-based USG Acoustical Products told its 2,000 employees that where there's smoke, you're fired: All workers would have to quit smoking (at the office and at home) and would be given pulmonary-function tests to ensure compliance. Then in February new restrictive regulations went into effect for 890,000 federal workers in 6,800 buildings owned or leased nationwide by the General Services Administration. A few days later, talk show host Larry King -- who smoked slightly more than Gary, Ind. -- had a heart attack at 53.

Then on March 9, Cambridge, Mass., joined a growing list of cities (prominently including Beverly Hills, Calif., and Aspen, Colo.) that have banned smoking in most public places.

And mass consciousness is due to ratchet up another notch on May 7, when New York State's new regulations go into effect, severely restricting smoking in public places and requiring employers to provide a smoke-free environment for workers requesting it.

(Actually, even the most Draconian of the new ordinances seem outright timid compared with 17th-Century New England's. In 1646, the General Court of Massachusetts passed a law forbidding settlers to smoke unless they were on a journey of five miles or more from any town, which makes walking a mile for a Camel look positively pedestrian. And the following year, a Connecticut statute limited tobacco use to once a day in the smoker's home -- "and then not in company with any other.")

"It's the No. 1 etiquette problem today," says Judith (Miss Manners) Martin, and no one knows that better than the television industry, which has filtered so much smoke from the airwaves that many barroom or nightclub scenes now look downright improbable (though fastidious watchers of the Johnny Carson show say they have seen errant cloudlets just after commercial breaks).

Smokeless 'Sonny'

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(c) 1987 Los Angeles Times, April 18, 1987

And now TV has lost the last high-tar star in prime time: Don Johnson of "Miami Vice." NBC was deluged with complaints that he was Setting a Bad Example for Youth, and "we were very frustrated," says Ralph Daniels, NBC's vice president for broadcast standards. Johnson was an off-screen smoker, and "we just couldn't get him to quit. But eventually he agreed," and viewers will be seeing a smokeless Sonny soon.

Not surprisingly, enthusiasm is growing among anti-smoking forces, from the acronymic army -- CATS (Citizens Against Tobacco Smoke), ASH (Action on Smoking or Health), GASP (Group Against Smoking Pollution) and so forth -- to the associations for your heart, lungs and other imperiled giblets.

"It's no longer an 'if' question," says Robert Rosner of the Seattle-based Smoking Policy Institute, "It's a when question." With public attitudes shifting, says Ahron Leichtman, president of CATS, "we're not perceived anymore as these weirdo freaks."

Won't Date Ex-Smoker

Or particularly reticent. "I'd rather date a man with herpes than one who smokes," said a prominent Washington journalist. And Ben Nields, 32, a Washington-area anti-smoking activist, has even more stringent standards. He won't even date an ex-smoker for fear she might restart. In fact, "there have been a couple of people I've gone out with -- they never smoked themselves, but they had a parent who smoked. I got to thinking, I don't really want an in-law who smokes." The relationship was doomed. "So I told this one lady, 'When your mother dies, let me know.' That obviously broke it up."

And now across the country, the nation's remaining 55 million to 60 million smokers are finding themselves beset with a new arsenal of insults from mere irritables to outright humiliations. When Fidel Castro swore off his trademark stogies last year as an example to Cuban men, he predicted that "there are going to be many women who will fight with their husbands." He didn't know the half of it. The growing zeal of anti-fumatory partisans and the often desperate intransigence of smokers are now colliding everywhere, not sparing even those intimate venues traditionally exempt from larger social forces:

A 30-year-old Virginia woman with six brothers and sisters would love to look forward to seeing her family. But she's allergic to smoke and asthmatic to boot. And "two out of seven children are chain smokers." So when the siblings convene at their parents' home in Pennsylvania for Christmas or Thanksgiving, cigarettes "just spoil the vacation," she says.

If there is one institution in contemporary life wherein smoking is not simply accepted but virtually cherished, it is Alcoholics Anonymous. For those who have painfully squeezed the liquor from their lives, "you can't just kick away their last addictive crutch," says an AA veteran. So by immemorial tradition, meetings are conducted amid the squeaking of styrofoam cups and thick blue clots of smoke. Yet one Washington-area group, which has kept the same core participants for eight years, finally broke up recently -- over smoking.

Smoking Policies

Smokers may be burned, if current trends in the workplace hold. Smoke containment is now so urgent an issue that it "has become a design criterion"

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for new offices, says Frank Hammerstrom, senior principal at the Hellmuth, Obata & Kassabaum architectural firm in New York. Some companies are installing filters and reorganizing their space to accommodate smokers. (As of last year, the Wall Street Journal reports, 36% of employers had smoking policies in effect, and another 21% were considering them.)

But that's a stopgap solution, as more and more outfits opt for open work spaces and modular "systems" furniture. "What I expect to see," Hammerstrom said, "is that in the open-plan areas they will simply eliminate smoking entirely. The snowball is now at the top of the hill."

And it's rolling toward federal employees, too. The GSA's new smoking restrictions were timed to coincide with a push to consolidate agency offices from numerous leased spaces into fewer central locales and open-design areas using less floor space. "With systems furniture," GSA administrator Terence Golden said last fall, "we can save 40 square feet per person on average." Which means, in an office with nine-foot ceilings, more than 350 cubic feet less air space per person.

Hiring Nonsmokers

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More Money, Less Smoke

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LEVEL 1 - 39 OF 55 STORIES

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May 18, 1987, U.S. Edition

SECTION: ECONOMY & BUSINESS; Pg. 58

LENGTH: 949 words

HEADLINE: Thou Shalt Not Smoke;
Companies restrict the use of tobacco in the workplace

BYLINE: By Barbara Rudolph. Reported by Robert Ajemian/Boston and Nancy
Seufert/Los Angeles

BODY:

In the newsroom of the Denver Post, reporters and editors cope with a company ban on smoking by gnawing on licorice roots and chewing on unlit cigars. Broward Davis & Associates, a surveying and consulting firm in Tallahassee, refuses to hire anyone who smokes. New England Telephone employees can take a puff in only half the company's rest rooms, and workers at United Technologies' Hartford headquarters must refrain from lighting up in any public work area.

As corporate America comes to terms with the antismoking fervor that has gripped much of the public, more and more firms are regulating the use of tobacco in the workplace. According to a study by the Bureau of National Affairs, about 35% of all U.S. companies restrict smoking (only 2% ban it outright), and an additional 20% are studying the issue. In many cases, companies have no choice: 17 states and hundreds of localities outlaw smoking in offices and other workplaces. The Surgeon General's report last year asserting that smokers create health risks for nearby nonsmokers has encouraged companies to promote smoke-free work environments. Finally, firms are increasingly aware of the cost of having smokers on staff: higher insurance expenses and increased absenteeism.

Most companies try to accommodate their nonsmoking workers without alienating their tobacco-dependent colleagues. Many firms begin to formulate a policy by polling their staffs. When New England Telephone discovered that 70% of its 27,000 employees did not smoke, it decided to take a strong stand against tobacco. Smoking is now permitted only in certain hallways and rest rooms and in a small section of the cafeteria. Eastman Kodak has democratized the decision-making process. Employees vote on whether common work areas should be smoke-free. While smoking is generally banned in conference rooms, exceptions can be made if there are no objections from anyone present.

A company's policy often reflects its top executive's personal attitude toward smoking. Says Cynthia Ferguson, acting executive director of the American Lung Association: "We see this very clearly. Management support means everything." Ted Phillips, chairman of the New England, a Boston-based insurance company, is an ex-smoker who strongly believes smoking on the job should be limited to private offices in order to safeguard the health of all workers. That is precisely the policy of his firm. At Frosty Acres Brands, a Georgia canned-goods packager, a smoking ban is unlikely because President Louis Dell smokes almost two packs a day. But Dell acknowledges that the rights of nonsmokers should be protected. As a result, smoking is not allowed in the

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firm's executive conference room, and employees are free to ban smoking in their private offices.

No matter how well intentioned their bosses may be, many smokers feel persecuted by their firms' antismoking policies. "Just call me Sneaky Pete," says a salesman of novelty items who would face being fired if his smoking habit was discovered. Says he: "It's incredibly unfair. I was a smoker when they hired me, and then, out of the blue, I'm supposed to stop just because the boss says so." Some employees fear their chances for advancement may be choked off by their smoking habit, though favoritism toward nonsmokers is rarely explicit. Len Beil, director of human resources at Pacific Northwest Bell, says a bias against smoking "could be in the back of a manager's mind when making a decision on a promotion." Job seekers are discovering that smoking can endanger their careers. Newspaper classified advertisements frequently specify that employers are looking for "nonsmokers only." One of the first questions asked of job applicants at Vanguard Electronic Tool in Redmond, Wash.: "Do you smoke?" If the answer is yes, the interview is over. That is perfectly legal. On the other hand, federal laws forbid an employer to discriminate on the basis of race, sex, religion or marital status.

Many smokers may secretly welcome the corporate crusade against smoking. Says Robert Rosner, executive director of the Seattle-based Smoking Policy Institute, a consulting firm that advises companies on how to formulate smoking policies: "The fact is, most smokers want to quit." Many of them embrace the new corporate activism as an incentive to give up tobacco once and for all. At Rhode Island's Newport Daily News, it was the smokers who unanimously voted to ban smoking from the premises, although taking a drag is not a cause for dismissal.

More and more companies that have imposed restrictions on smoking are attempting to help their employees kick the habit. BMC Software, a Texas company that prohibits smoking on the job, has sent employees to antismoking hypnosis sessions. Abbott Laboratories hires smokers but strongly urges them to sign a pledge to take a company-sponsored workshop that teaches people how to stop smoking. The five sessions cost employees \$30, but if they stay off cigarettes for four months, Abbott refunds the money.

Despite the changes taking place, antismoking lobbyists continue to press for stricter limitations on smoking in the workplace. Last week the American Public Health Association and Ralph Nader's Public Citizen Health Research Group petitioned the Occupational Safety and Health Administration to impose an emergency rule that would eliminate or restrict smoking in virtually all indoor work sites. While the Government is not expected to take any immediate action, the pressure is sure to grow. Smokers, after all, make up a shrinking minority. Nonsmokers, like any other large majority, know the numbers -- and the clout -- are increasingly on their side.

GRAPHIC: Picture, A new employee at Abbott Laboratories pledges to try to give up cigarettes. Some smokers fear their chances for advancement may be choked.

WILLIAM FRANKLIN MCMAHON

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LEVEL 1 - 38 OF 55 STORIES

Copyright (c) 1987 The Times Mirror Company;
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August 2, 1987, Sunday, Home Edition

SECTION: View; Part 6; Page 7; Column 2; View Desk

LENGTH: 241 words

HEADLINE: FOR TRAVELERS, THE BREATHING IS EASIEST IN FIRST CLASS

BODY:

Where is purest seating aboard a modern jetliner?

According to a 1986 National Research Council study, the air in one section comes close to alpine. Unfortunately for travelers, it's in the cockpit, where delivery of fresh air is at least 10 times higher than that supplied the passenger cabin. That, noted the study, is to assure crew alertness and instrument efficiency.

For travelers, the cleanest atmosphere is in first class. There are fewer people and fewer smokers in an area with more room per passenger. A draft of clean air whispers from the cockpit. Thus, first-class air in smoking and nonsmoking sections is often times cleaner than in business or coach.

What of rear cabin travelers?

"With ventilation being from nose to tail, the first few rows of nonsmoking in coach are my choice," said Mickey Cohen of San Diego, director of maintenance for PSA. "In the back of the airplane, in addition to the smoke, it tends to get colder because you're near the (ventilation) outflow valve."

But that, noted Robert Rosner, executive director of the Smoking Policy Institute of the University of Seattle, only applies to one-class travel. When there are first, business and coach classes, the initial rows of nonsmoking in business or coach are immediately behind smoking sections.

"So I always try to sit in the first third of nonsmoking in business or coach, around Rows 10 to 12 presuming Rows 1 to 25 are nonsmoking," he said.

SUBJECT:

SMOKING; AIRLINES -- UNITED STATES; HEALTH HAZARDS; AIRLINE PASSENGERS

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LEVEL 1 - 37 OF 55 STORIES

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August 2, 1987, Sunday, Home Edition

SECTION: View; Part 6; Page 1; Column 1; View Desk

LENGTH: 1771 words

HEADLINE: A LAST GASP FOR SMOKERS ON AIRLINERS?

BYLINE: By PAUL DEAN, Times Staff Writer

BODY:

Last month, the House approved legislation banning smoking on domestic airline flights of two hours or less.

Celebration was light. For even if the measure survives the Senate, predict airline associations and lobbyists for cleaner cabin air, it will be little more than a prelude to the inevitable: a federal ban on all smoking on all domestic flights of any duration.

And within five years.

"I wouldn't be surprised if it was before then," a spokesman for one air transport group said. "But as my group is not supporting the smoking ban, that is my personal opinion and it must remain completely off the record."

On the record, however, are government health studies and voluntary innovations within airlines that indicate a clear trend on the long-smoldering issue of smoking at 30,000 feet:

-- The National Cancer Institute at the request of Surgeon General C. Everett Koop is preparing a new study of cotinine levels, the metabolized residue of nicotine, in nonsmoking flight attendants. Cotinine is measured through saliva tests and urinalyses, said study leader Margaret Mattson, and is a standard determination of the effects, if any, of passive exposure to smoke.

Mattson declined to discuss details of the testing. But in his announcement, Koop said one airline, which he did not identify, has agreed to cooperate with federal researchers.

"It's my suspicion that a young lady who works in the smoking end of a plane in the galley is probably 'smoking' three or four cigarettes a flight, just by inhaling the passive smoke," he said.

-- Koop's review was ordered five months after the National Research Council, an arm of the National Academy of Sciences, reported in 1986 that airline ventilation practices have created a situation in which "cabin air ventilation (is) in violation of the building codes for most other indoor environments."

Further, said the 300-page report ordered by Congress, the nation's 70,000 flight attendants are exposed to smoke levels similar to those of a person

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living with a pack-a-day smoker.

Nonsmoking passengers, it noted, need to receive 50 to 75 cubic feet of clean cabin air per minute if they are to negate the ill effects (sneezing, eye irritation, headaches) of exposure to cigarette smoke, yet they generally are getting only 7 to 20 cubic feet a minute.

The study "unanimously and forcefully" recommended a federal ban on smoking on all domestic commercial air flights.

-- Examination of in-flight smoking problems (including the safety hazards of bathroom fires and impromptu landings to settle fistfights among passengers arguing their smoking rights) has produced close scrutiny of ventilation equipment used to cleanse and circulate cabin air.

These environmental control units (typically three ECUs, or power packs, are carried aboard wide-bodied aircraft such as the Boeing 747) process outside air for cabin use.

Joe Schwind, a director of engineering for the Air Line Pilots Assn., contended that the units were adequate but were underused by airline captains who routinely turn down or shut down the power packs to save fuel. In the process, ventilation is reduced to the recirculation of stale air.

"If you're only looking at a 1% fuel flow decrease for a 747 over a year, it comes to quite a bit," said Schwind. "In the millions (of dollars)."

-- Four years ago, said Daphne Dicino of Phoenix-based America West airlines, airlines generally divided seats 50-50 between smoking and nonsmoking sections. "Now, on a 22-row airplane, the nonsmoking section is the first 18 rows," she said.

A spokesperson for another airline said that rather than stir up the majority of nonsmokers, more captains are "taking advantage of any situation to declare nonsmoking flights. A party of schoolchildren. One person who might have emphysema. It's a judgment call and we're seeing more and more exercising of that judgment."

-- Air Canada, which 18 months ago began offering no-smoking flights within its high-density commuter triangle of Ottawa, Toronto and Montreal, has made the 90-day experiment permanent.

Three months ago, Air Canada inaugurated optional no-smoking service on its New York-Toronto flights. The trial period ended Friday and the company (after reporting a 10% business increase for its Montreal and Toronto nonsmokers) is evaluating a continuance.

Jim Frazier, who was project director of the National Research Council study, has watched smoking become taboo in the full range of public gathering places, from elevators to hockey arenas.

"Look at the trends," he suggested. "Hotels across the country are offering no-smoking rooms, even floors where the rooms have never been smoked in and people serving these rooms don't smoke."

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"If you put that, and a helluva lot more together, you would have to say, 'Why not on aircraft?' "

In fact, said Frazier, throughout the course of the council's study, he found only one professional group with anything good to say about smoking on airplanes: the mechanics.

"They said if it wasn't for the yellow stains left by tobacco smoke," he explained, "they wouldn't be able to see where door seals were leaking."

The Tobacco Institute, a Washington group representing 11 tobacco companies, lost its battle against the recent House vote. But institute Vice President Walker Merryman is confident that pressures from tobacco-growing states will extinguish the bill's future in the Senate.

Studies written for his organization, he said, show that in-flight smoking poses "no hazard to passengers or flight attendants."

Quoting one of those reports (prepared by the R.J. Reynolds Tobacco Co.), Merryman said that a passenger sitting in a nonsmoking section of a U.S. commercial airliner "would have to make eight continuous New York-to-Tokyo round trips to be exposed to the nicotine equivalent of one cigarette."

But whether one cigarette or a carton, noted Mary Ellen Miller, health and safety director for the Independent Federation of Flight Attendants in Kansas City, smoke remains much more hazardous to the health of personnel for whom pressurized cabins are daily work places.

"We can't really choose where we're going to work on a particular flight," explained Miller, a former stewardess for TWA. "When you have a flight attendant stuck in a smoking section . . . you get light-headed, dizzy, nauseous and I've even had nosebleeds."

Pressurized cabin air, Miller said, quoting a January report in the journal Aviation Space and Environmental Medicine, is dry and thin and far from perfect to begin with. Carbon dioxide and carbon monoxide build up as the air recirculates, and cigarette smoke contributes both.

"If you think you're falling asleep more on airplanes, it has nothing to do with your age or the day's work," Miller maintained. "The bad air is putting you to sleep."

"Pilots used to tell us that if we noticed all the passengers were falling asleep to let them know and they'd turn up the Power Packs."

Ironically, the problem for flight attendants has been exacerbated by the emancipation of their work force.

Two decades ago, the professional life of a female flight attendant was four or five years. Careers were ended by marriage, pregnancy or wrinkles.

"Now the average age of flight attendants is 35, the majority will probably stay until their 40s and so we're looking at the first generation of flight attendants to be exposed to cabin smoke for longer than a few years," said Matthew Finuchane of the 21,000-member Assn. of Flight Attendants in

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Washington.

"I think (an airline smoking ban) is inevitable. And if the two-hour ban eliminates the majority of the complaints, if it goes in without a lot of wrinkles, the incremental problems of a total ban might be saved."

Robert Rosner, executive director of the Smoking Policy Institute of the University of Seattle, is another expert who believes that the coup de grace for smoking on airliners will come not from passenger pressures "but from flight attendants who have to work there."

The time is ripe, he said, for a transfer of corporate concern. If companies on the ground are providing smoke-free work places for their employees, he asked, why aren't airline companies?

"Even with the amount I fly -- and I have 300,000 miles on my frequent flyer program -- it's not going to be enough (exposure) to convince a judge or jury that I've been impaired," he commented. "But if one flight attendant with asthma or some other allergic reaction to smoke files one \$400,000 lawsuit. . . ."

'Narrow' Position

Rosner said his institute takes a "very narrow" position on smoking. It does not concern the health of smokers. "You see, we're not discussing the personal health of the individual smoker, but the public health of all those exposed to smoke."

"Sometimes, after a presentation, I'm asked if we would have objections to anyone chewing tobacco on an airplane. I reply: 'As long as people carry their styrofoam cups and don't splash when they spit.' "

Although the smoking arguments are relatively clear, a clean resolution remains somewhat clouded.

For example, which federal authority would endorse and enforce a solution?

The Federal Aviation Administration is responsible for safety aboard airplanes . . . but not the cleanliness of cabin air.

The Occupational Safety and Health Administration applies air quality standards to restaurants, transportation and work places . . . but not to airplanes.

The Air Line Pilots Assn. has acknowledged sympathy for non-smoking air travelers . . . but the group says its prime responsibility is with flight safety and demands on airline captains. There is, said spokesman Henry Gasque, a deep concern that outlawing smoking will cause some passengers to smoke in restrooms and increase the risk of in-flight fires. And pilots don't see it as their duty to confront "passengers who figure it is their God-given right to smoke in a nonsmoking section."

All airlines are concerned with the health and comfort of their passengers . . . but if cleaner cabin air means higher fuel costs, will passengers sit still for resulting higher fares?

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Airplanes, all agree, have a smoking problem shared by only one other form of transportation: the submarine. In neither can travelers go outside for a smoke or open windows to improve ventilation.

Said Dan Smith, an executive of the Dallas-based Air Line Passengers Assn.: "If an airliner was on the ground and you had that density of seating with people drinking and smoking alongside 250,000 pounds of fuel moving at 500 m.p.h. . . . well, it would never be approved as a nightclub."

GRAPHIC: Photo, Unconcerned by health, industry lobbies claiming smoking on airliners is likely to be banned, sailor Keith Patton lights up on PSA flight.
ELLEN JASKOL

SUBJECT:
SMOKING; AIRLINES -- UNITED STATES; HEALTH HAZARDS; AIRLINE PASSENGERS

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LEVEL 1 - 36 OF 55 STORIES

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August 10, 1987, Monday, Home Edition

SECTION: View; Part 5; Page 1; Column 1; View Desk

LENGTH: 2108 words

HEADLINE: THE NEW PARIAHS;
DRINKING DRIVERS, SMOKERS AND SWINGERS TARGETED IN SUDDEN TURNAROUND OF
ATTITUDES

BYLINE: By BOB SIPCHEN

BODY:

If he chose to be so crass, his bedpost would be ragged with notches. Among a certain circle of women he's known as "Marathon Man." Lots of them love him. And that's the problem.

As one of his recent love interests pointed out: "Any woman in her right mind would be afraid of this guy. . . . It's bad enough that I slept with him six years ago. I wouldn't do it again if he were the last person on earth."

In the last few months, she added, "every single woman I know has been running through her list." And the skillful seducers at the top of the charts are getting scratched off quicker than you can say: "Acquired Immune Deficiency Syndrome."

Hot on the heels of the Me decade, the 1980s held promise as an age of giddy abandon. But "Saturday Night Fever" has new connotations now. And the studs and femmes fatales aren't the only folks whose habits -- once tolerated, even glamorized -- are now increasingly scorned. Almost overnight, it seems, smokers, drinking drivers and sexual adventurers have become social pariahs.

Change Quite Sudden

Attitudes have changed far faster than most sociologists ever figured possible -- in the views of those who see themselves as sudden outcasts, "behavior fascists" have abruptly imposed "life-style apartheid." But how?

After all, the modern war on cigarettes has been escalating since the surgeon general's 1964 report on smoking and cancer. America has had its crusaders against the evils of demon rum since the Colonies were established, and preachers have railed against casual sex for at least a couple thousand years.

Attitudes appear to have shifted most abruptly when crusaders stopped focusing on protecting people from themselves -- and took up the theme that they were also hurting others.

Anti-smoking forces, for instance, scored many of their most decisive victories in the last few years, when the issue changed from smoking per se, to concern about secondhand smoke and health costs; the campaign against alcohol abuse has been on a roll since Mothers Against Drunk Driving's first passionate warning that drunks are killing us and our kids, and so-called promiscuity has

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declined most substantially only since AIDS transformed philanderers into potential assassins.

"There's no question that some smokers are feeling like social pariahs," said John F. Banzhaf III, executive director of Action on Smoking and Health (ASH).

Anti-Smoking Push

Banzhaf is in a good position to assess the shift in public attitudes toward smokers. Twenty years ago, he was instrumental in securing equal time for the first anti-smoking messages on television. Such public education has brought about gradual changes in attitudes in the last two decades, he believes.

But he thinks change has accelerated as non-smokers have become more disgruntled. "The attitude the public has toward the behavior is often more important than health factors," he said. "Why do people go on diets? Not to live longer, but because fat is out, thin is in."

In his 1981 book "The Culture of Public Problems: Drinking, Driving and the Symbolic Order," Joseph Gusfield, professor of sociology at UC San Diego, concluded that society's concern with drunk driving was largely symbolic and that the public remained unwilling to view drunk drivers as criminals.

Recently, however, Gusfield has modified his opinion. In part because of the "enormously greater amount of attention" paid to drunk driving in the last several years, Gusfield now suspects that social mores may have changed more rapidly than he had previously thought possible.

In terms of sexual mores, the "earthshaking phenomena" of AIDS (and herpes before that) has abruptly cut off the casual encounter, said Neil Smelser, professor of sociology at UC Berkeley. Giving the cold shoulder to potential partners who might be at risk is "just rational behavior on the part of people who are frightened," he said.

Smokers

"People in this country are trying to be holier than thou," said designer Neil Stewart, 36, as he sipped red wine and stared across the smoke-filled bar at the Gingerman Restaurant in Beverly Hills. "It reminds me of the school ground. There's always a 'Fatty,' and he's doomed."

"American culture wants to categorize everyone: 'We don't smoke so you shouldn't.' . . . There are more people in America trying to make money off (changing) people's bad habits than anywhere in the world," Stewart added.

Robert Rosner is one of those people. "1984 was a good year for me because I got called Big Brother a lot," said Rosner, who is executive director of the Smoking Policy Institute, a Seattle nonprofit organization that helps businesses implement policies restricting smoking in the workplace. "I'd get asked, 'It's 1984. What's next? Coffee? Additives? Sugar?"

Rosner said he doesn't personally care whether people smoke. But, he added, "The issue is that people should not smoke if they share an airspace. . . . It's the difference between trying to run someone's life and concern about your own."

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There's little doubt that Americans have become concerned.

Last year, two out of three Americans believed that smoking indoors was harmful to non-smokers and nine of 10 favored no-smoking sections in public places, according to a poll conducted for the American Cancer Society and the American Heart and Lung associations.

And last month, the House voted to ban smoking on all airline flights of two hours or less. Ten states and 260 communities now have laws restricting smoking in public places, and 30% of the nation's corporations limit employees' smoking on the job, according to Business Week.

As for why employers seem increasingly to view smokers as pariahs, Banzhaf of ASH pointed out that it's a matter of economics. He cited estimates that the health costs to a company can be as much as \$5,000 per smoking employee.

Snowball Effect

Naturally there's a snowball effect to all this. As fewer people smoke, psychologists say, it becomes less socially acceptable to do so and easier to implement anti-smoking regulations -- and that compels others to abandon the habit.

"When one interviews smokers who want to quit, what we see now is people saying things like: 'I'm aware that people look down on smokers,'" said Jan Hitchcock a psychologist with Harvard University's Institute for the Study of Smoking Behavior and Policy. "... They're worried about what other people think. They feel besieged and beleaguered."

Advertising and image are also tied up in determining which habits are happening and which are declassé. Thirty-two percent of the adult population smokes (as compared with 42% 20 years ago) but that figure is now much more heavily weighted toward the blue-collar worker and the poor, Business Week reports. And that may be increasing the spiral of aversion.

"People in higher socioeconomic classes are not smoking as much, so people who aspire to higher classes are not smoking as much," Hitchcock said.

Drinking Drivers

Thirty-five-year-old Dennis Jewell knows as much as anyone about changing attitudes toward certain types of alcohol-related behavior. "I don't think it ever sunk home that (drunk driving) is a serious crime," Jewell said in an interview last spring at California State Institution for Men in Chino, where he awaited transfer to another prison to serve out a sentence of 77 years-to-life for killing five in a family in a collision -- the stiffest drunk driving-related sentence in California history.

Cultural mores on intoxication in general began changing with the health and nutrition movements of the '70s, specialists say. "Increasingly in the business world and in social situations, becoming intoxicated, becoming the clown, is less accepted than it used to be," said Jim Mosher, associate director of alcohol policy for the Trauma Foundation at San Francisco General Hospital. Shifting attitudes are also reflected in recent policies at sports stadiums cutting off beer sales or reserving areas for non-drinkers, Mosher said.

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But the battle against drunk driving, launched by Mothers Against Drunk Driving in 1980, is the most heated front in a war being waged by a loosely knit coalition of groups concerned with the broader issues of alcoholism and public health.

478 New Laws

At least 478 laws related to highway safety and alcohol were passed by state legislatures between 1981 and 1985, according to the National Commission against Drunk Drivers. As of last year, 43 states had adopted laws making 21 the legal drinking age, while 42 states have minimum imprisonment provisions for second-offender drunk drivers and 17 have such provisions for first offenders, MADD reports.

But attitudes and behavior are distinctly different, and sociologists point out that statistics on drinking in general show only a gradual decline and that those on drunk driving are open to interpretation.

"Cultural change is (usually) slow, but we're seeing some interesting things currently," said Thomas Lasswell, a professor of sociology at USC.

By some indications, attitude changes have been greatest among younger people. On college campuses, the term "designated driver" has achieved a prominent place in party vernacular; flyers for parties often carry the acronym "EAABs" (Equally Attractive Alternative Beverages), and many fraternities and sororities now sponsor "dry rushes."

From such well-orchestrated peer pressure is the new pariah born. Earlier this year, a UCLA student at the Phi Kappa Sigma fraternity admitted in an interview that he had driven after drinking, "because I spent all my money on drinks and didn't have enough for a taxi."

"You're a dirt bag," an eavesdropping frat brother said.

"If someone's drinking these days, they have some fear about what's going to happen," said Lawrence Wallack, assistant professor of health education at UC Berkeley, who has been doing alcohol-related research for 14 years. But Wallack argues that whatever drift there is toward ostracizing drunk drivers is being counteracted by such things as television commercials that bombard young viewers with shots of race cars roaring about as beer jingles blare, or of men professing their lust for "fast cars, fast women and good beer -- not necessarily in that order."

The Promiscuous

It's the premier sexual cliché of the mid-'80s: "You're not just sleeping with her (or him) you're sleeping with everyone she (or he) has slept with in the last seven years."

AIDS now surpasses cancer as the most feared disease in the Los Angeles, San Francisco and New York City metropolitan areas, according to a Los Angeles Times poll last month -- and nearly one in five of those polled said they've made major changes in their lives accordingly.

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Eighty percent of college women and 65% of college men report they have become more selective choosing sexual partners, according to a poll reported in the current issue of Glamour magazine. Fear of sexually transmitted diseases has led 75% of singles to avoid casual sexual encounters such as one-night stands, and 36% said they are abstaining from sex with new partners altogether, according to another poll, released in July by Abbott Laboratories.

In an age when "lots of lovers" translates into "multiple exposures," some experts contend that the attitude change reflects an existing drift toward conservatism in general -- that America is once again embracing premarital chastity and marital monogamy. Others doubt that the apparent trend signifies a return to a Victorian morality. For one thing, lust has always tempted folks to lie.

Equilibrium Sought

Also, "after any period of license in any culture, there's always a swing back (until) a culture reaches a state of equilibrium," said UCLA social anthropologist Alexander Moore. "The time of sexual license occurred for good technological reasons -- we had convenient contraceptives and the control of venereal disease. I'm not at all sure that the movement for sexual license has spent itself. . . . There are still a lot of people in this country rebelling against sexual puritanism."

"The person who will become the pariah is the person who's careless. Not the one who has frequent partner changes . . .," said Ira Reiss, a professor of sociology at the University of Minnesota, Minneapolis, and author of a number of books on sex including "Journey Into Sexuality" in 1986.

"It's likely we're going to become more pragmatic. That's quite different from saying we'll have a dramatic change in behavior back to the conservatism of the '50s. It's much easier to get people to pursue pleasure than to deny it."

GRAPHIC: Photo, Signs of changing times: Public criticism is focusing on habits that once were acceptable to much of society. Los Angeles Times

SUBJECT:

SMOKING; DRUNK DRIVING; SEX; VENEREAL DISEASES; ACQUIRED IMMUNE DEFICIENCY SYNDROME; CULTURE; LIFESTYLES

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LEVEL 1 - 35 OF 55 STORIES

The Associated Press

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October 15, 1987, Thursday, PM cycle

SECTION: Washington Dateline

LENGTH: 528 words

HEADLINE: New Study Says Federal Agencies Smoking Policies Inadequate

BYLINE: By LES BLUMENTHAL, Associated Press Writer

DATELINE: WASHINGTON

KEYWORD:
Smoking Study

BODY:

Federal agencies have failed to adopt policies that adequately separate non-smoking employees from those who smoke and have treated the problem as a social rather than a health and safety issue, according to a federally commissioned report released today.

"Effective smoking control policies are an achievable goal of the government, but this requires a commitment to address the issue," said the report from the non-profit Smoking Policy Institute. "Close examination shows that this issue needs more careful consideration."

The report, requested by the U.S. Surgeon General and the U.S. Office on Smoking and Health, also said the General Services Administration's 1986 requirement that federal agencies implement smoking controls for their employees was too broad.

"The GSA regulations do not adequately protect non-smoking employees and the agencies are not fully in compliance with even this minimum standard," the report said. "Government agencies are responding to the 'letter' of the GSA smoking regulations but not their spirit."

The GSA regulations require that smoking be held to an "absolute minimum" in areas where there are non-smokers, but the report found that at most federal agencies it was impossible for employees to go through an entire day without routinely being exposed to smoke.

Rather than actually separating smokers from non-smokers in different rooms, the report found that many agencies have just established a policy of providing separate smoking areas in such rooms as cafeterias, lobbies and snack bars.

"It's a classic example of government making a rule, than adding a hundred exceptions," said Robert Rosner, executive director of the Seattle-based institute. "Rather than admitting smoking presents a health problem and isolating smoking in the workplace, the agencies have set up this Byzantine

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The Associated Press, October 15, 1987

house of cards."

Rosner was scheduled to testify today before the federal Interagency Committee on Smoking and Health.

A GSA spokesman said his agency was not aware of the report and that in general the agency felt that government efforts to control smoking in the workplace have "gone well."

"We are not aware of any major problems," said Steve Guilheen. "Some of the agencies were a little slow in implementing the regulations, but that has been squared away."

The report reviewed the smoking policies at seven government agencies, including the Department of Health and Human Services and the Department of Labor.

"By failing to comply fully with GSA regulations, the majority of federal agencies are open to lawsuits from their non-smoking employees," the report said. "By acknowledging the problem, but not resolving it, the government is potentially negligent and has made itself a target for lawsuits by its employees."

The report said the agencies surveyed tended to treat so-called sidestream smoke as a social rather than a health and safety problem.

"This inconsistency with the government's treatment of other health and safety issues also increases potential liability," the report said.

The Smoking Policy Institute works with various organizations and businesses on the issue of smoking in the workplace.

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LEVEL 1 - 34 OF 55 STORIES

The Associated Press

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October 15, 1987, Thursday, AM cycle

SECTION: Washington Dateline

LENGTH: 463 words

HEADLINE: Koop Pleased at Progress in Cutting Federal Workplace Smoking

BYLINE: By JERRY ESTILL, Associated Press Writer

DATeline: WASHINGTON

KEYWORD:

Federal Smoking

BODY:

Surgeon General C. Everett Koop said Thursday he was pleased at progress made toward eliminating cigarette smoke from federal workplaces.

At the end of a day-long session by officials from more than a dozen federal agencies, Koop said the presentations "have shown that while implementation has not been trouble-free, a great amount of progress has been made."

The implementation he mentioned referred to General Service Administration regulations issued in 1986 that changed the thrust of smoking regulations in federal buildings from allowing smoking except where specifically barred to barring smoking except where specifically allowed.

"I am pleased at the direction of these efforts and the progress these federal departments have made," Koop said. "It is obvious to me that smoking policies in federal offices are an idea whose time has come."

"I urge the state and local government to follow GSA's example and to implement strong smoking guidelines within their own jurisdictions," he said.

The surgeon general said he plans to send letters to the 50 governors and to mayors of major cities asking them to take action.

Dr. Ronald Davis, head of the U.S. Office on Smoking and Health, characterized the GSA regulations as "philosophically very important" because of the shift of emphasis.

"However, they allow great latitude as to where agencies can designate a smoking area," he said. "That's where we have to be careful about making sure non-smokers are not exposed to tobacco smoke."

"We look on this as an important step, but not necessarily the final step," said Davis. "From our perspective, we would like to see exposure to tobacco entirely eliminated or reduced to negligible levels. So ultimately we think a

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The Associated Press, October 15, 1987

totally smoke-free environment has to be our goal."

Davis said that he, like Koop, was pleased with the way the new GSA regulations have worked.

"I am impressed that implementation of the regulations appears to have gone so well," he said. "I think there is a clear consensus that employees of these departments have appreciated the increased protection from exposure to tobacco smoke."

A report prepared for the conference by the private, Seattle-based Smoking Policy Institute questioned how well the federal smoking regulations are working.

"Effective smoking control policies are an achievable goal of the government, but this requires a commitment to address the issue," said the report. "Close examination shows that this issue needs more careful consideration."

"The GSA regulations do not adequately protect non-smoking employees and the agencies are not fully in compliance with even this minimum standard," the report said. "Government agencies are responding to the 'letter' of the GSA smoking regulations but not their spirit."

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LEVEL 1 - 31 OF 55 STORIES

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November 8, 1987, Sunday, FINAL EDITION

SECTION: CHICAGOLAND; Pg. 1; ZONE: C; NFL NOTEBOOK

LENGTH: 1092 words

HEADLINE: THERE'S NO SMOKE, LITTLE IRE FOR SKOKIE'S POLICE RECRUITS

BODY:

Even at home in the bathroom in the middle of the night with the lights out, the drapes drawn and the water running, rookie officer John Kane of the Skokie Police Department could not light up a cigarette without putting his job on the line.

"It doesn't bother me," said Kane, 28, one of a handful of new officers covered by an unusual and controversial department regulation forbidding new recruits to smoke or chew tobacco on or off duty. "I don't smoke and haven't since the 6th grade."

"It doesn't matter to me," added Ken Borne, 24, a two-year veteran village firefighter also covered by the regulation. "I don't even really think about it."

But several angry village officials who just found out about the regulation are considerably less blasé.

"It's absolutely incredible," said Trustee Robert Fritzshall, one of several Village Board members to speak out against the total smoking ban at a recent board meeting. "It's invasive, it's intrusive and it's irresponsible. I don't think we have any right to go into a man's house and tell him he can't smoke."

Trustee Jackie Gorell called the limitation "ludicrous" and said "off-duty officers and firemen should be free to do what they want to do within the law."

"We're overstepping our authority," added Trustee William Elliot.

Fire Chief Thomas Quillin, who introduced the idea to Skokie, said the 24-hour smoking ban has caused no protests or disciplinary problems within his department, where 25 new employees have signed a pledge of abstinence since mid-1985.

"It's both for the health of our employees and a protection for our pension system," said Quillin. By law, heart and lung disabilities are considered job-related for firefighters.

"The productivity of officers increases dramatically if they don't smoke," said Police Chief William Miller, who instituted the no-tobacco pledge in his bailiwick earlier this year, partly in an effort to cut down on heart disease, also considered a job-related disability for policemen. "Look at the relationship between tobacco and sickness. Smoking by police officers is something we as citizens pay for."

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University studies cited by the Smoking Policy Institute, a Seattle-based organization that helps businesses address smoking-in-the-workplace issues, have estimated that a worker who smokes costs his employer between \$1,000 and \$4,600 a year in absenteeism, insurance penalties and even property damage.

"It's becoming more and more common for companies to decline to hire smokers," said Robert Rosner, executive director of the Smoking Policy Institute. "But the practice is almost always more subtle than making employees sign a pledge never to smoke and threatening to terminate them if they do."

Rosner said the public outcry earlier this year over a threat by USG Acoustical Products Co. to fire its factory workers who did not quit smoking, and the subsequent retraction of that threat, has confused the smoking discrimination issue in the minds of employers, making many unsure what their rights are.

"Both the courts and the Equal Employment Opportunity Commission have ruled that smokers are not a protected class," Rosner said. He and others who follow such issues can list about a dozen police and fire agencies around the country that have instituted 24-hour smoking bans for new employees.

The fire department in Alexandria, Va., a Washington suburb, instituted the nation's first such ban in 1979. It is still in effect and "a great success," according to Capt. Paul Scaffido of the department.

He said no firefighters have quit or been fired over the prohibition, and it has even inspired a few of the old hackers and wheezers in the department to stop smoking and take up jogging.

A new fitness consciousness has hit the Skokie Police Department in the wake of the anti-smoking policy, and about 10 of the stouter officers have enrolled in weight reduction programs. Chief Miller himself has dropped 36 pounds, he said.

"We're actively dealing with the whole health issue," said Skokie Patrolman Carlo Carlotta, 26, who forswore his occasional cigar when he joined the department seven months ago. The smoking ban surprised him, he said, because he'd never heard of such a thing.

Neither had John Kane's classmates at the Chicago Police Academy. "Most of them were smokers," he said. "They said they'd sooner not take the job than have to live with something like that. They were surprised the village was getting away with it."

Also surprised were the Skokie trustees and Mayor Albert Smith, who said they were not aware that the ban was even in effect until it came up in otherwise-routine discussions and ratification of rules and regulations in October.

The five-member Police and Fire Commission had adopted the regulation with virtually no fanfare, first for new firemen, then for new policemen.

"It's a frightening thing," said Trustee Fritzshall, the most outspoken opponent of the regulation at the board meeting. "We say it's for the health

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(c) 1987 Chicago Tribune, November 8, 1987

of the departments, but what's next? I don't think it's healthy to eat a lot of fatty meats. I don't think it's healthy to imbibe too many spirits. Are we going to tell a man he can have one cocktail Saturday night but not three? What he can eat? Then when he can have sex with his wife?"

The trustees voted to ratify the rules package despite their objections to the smoking proviso, but village Corporation Counsel Barbara Meyer said their approval was a pro-forma acknowledgment" anyway and not technically necessary in order for the regulations to be in effect.

Bud Kelley, a Springfield-based lobbyist for the Illinois Association of Tobacco and Candy Distributors, who recently spoke out against a new Skokie ordinance restricting smoking in public places, said the police and fire regulations "are not right." The Tobacco Institute in Washington seconded his opinion.

But spokesmen for the American Cancer Society in New York and the International Association of Firefighters union in Washington expressed their support for the 24 hour ban for recruits.

Trustee Frank McCabe said he likes the idea, too. "Cops are heroes in the eyes of kids," he said. "They're role models, even when they're off the job. They shouldn't have cigarettes in their mouths."

At least they'd better not. Not Skokie cops. Not even in a foreign country in a basement behind a partition under the cover of darkness. Not ever.

TERMS: SUBURB; POLICE; FIRE; AGENCY; CITY; EMPLOYEE; HEALTH LAW; ISSUE

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LEVEL 1 - 29 OF 55 STORIES

Proprietary to the United Press International 1987

November 17, 1987, Tuesday, BC cycle

SECTION: Regional News

DISTRIBUTION: Oregon, Washington

LENGTH: 636 words

HEADLINE: Majority of companies have smoking policies

DATELINE: SEATTLE

KEYWORD: Smokefree

BODY:

A sampling of Fortune 500 companies shows most American corporations are adopting measures to control smoking in the workplace, according to a survey released Tuesday by the Smoking Policy Institute.

The Seattle-based, non-profit institute said 79 percent of the companies responding to written and telephone interviews indicated that smoking in the workplace is perceived as enough of a problem to warrant restrictions.

Those companies have policies or programs concerning smoking, said Robert Rosner, executive director of the institute, which assists corporations and other organizations to resolve problems created by smoking.

Among the companies that have hired the 4-year-old institute to develop smoking policies are Pacific Northwest Bell and Rainier Bancorporation, according to Jennifer Pepino, the institute's assistant director.

'We don't conduct clinics, or insist on a totally smoke free environment,' Pepino said. 'Our main concern is educating corporations to understand the implications of smoking in the work place and help them to develop smoking control policies.'

'We are not anti-smoking. Smokers have the right to smoke and non-smokers have the right not to smoke, so we want environments where there is no involuntary smoking.'

The institute's study relied on information provided through written questionnaires and follow-up telephone interviews with medical directors of 50 of the Fortune 500 companies since June.

The study found that the primary motivation for companies to adopt smoking-control policies is the growing number of smoking ordinances passed by local governments. Secondary motivators were the companies' concern for the health of employees and complaints from non-smoking workers, the study indicated.

Rosner said the survey also revealed that companies have been haphazard about putting smoking policies into effect.

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Proprietary to the United Press International, November 17, 1987

"Our experience with corporations that have successfully restricted smoking suggests that there is a clearly defined process to follow that minimizes problems and ensures trouble-free policies," he said.

"Frankly, we see most companies utilizing a band-aid approach that only prolongs a corporation's struggle to find an effective solution to its problem." Rosner said corporations fail to make initial surveys of employee attitudes about smoking or carefully study ventilation requirements that are necessary for separating smokers and non-smokers.

Of the responding companies, 83 percent said they had encouraged employees to join quit-smoking programs and 66 percent said company-funded quitting programs had been made available to workers.

However, only 34 percent said management had initiated research on the implications of smoking in the workplace.

No more than 15 percent of the companies said they had discussed smoking policies with union groups before implementing them and only 30 percent said they had surveyed their workers to see what they wanted.

Officials of most companies -- 72 percent -- indicated they had instituted smoking policies after smoking-control laws were passed by local governments. The company policies generally are the minimum required by legislation, the report indicated.

The study said the most common corporate smoking policy descriptions were: "smoking allowed with some restrictions," "special areas provided for smokers," and "smoking allowed in designated areas only."

The institute reported that there appeared to be "a relationship between stringent smoking policies and higher levels of employee participation and success in smoking cessation programs."

The report said one company reported the smoking rate among its employees dropped from 39 percent to 13 percent after it instituted a total ban in work areas.

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LEVEL 1 - 28 OF 55 STORIES

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November 19, 1987, Thursday, Late City Final Edition

SECTION: Section A; Page 20, Column 1; National Desk

LENGTH: 1175 words

HEADLINE: Smokers Hide and Drag Harder As Society Makes Them Outcasts

BYLINE: By TRISH HALL

BODY:

Andrea Green, a marketing and promotion consultant for banks, was on the telephone with a man who helps companies develop programs for employees who want to quit smoking. She lit a cigarette, quietly, she thought. But she was not quiet enough.

"I flicked my Bic and he heard it," she said. "He said, 'What was that sound? I heard you light a cigarette.'" Ms. Green dismissed his comment as ridiculous, insisting she had done no such thing.

A few years ago she might have exhibited some bravado, but not now. Smokers are pariahs these days, and they know it. In restaurants they hold their cigarettes under the table and try to wave the smoke away. At the office they slink into bathrooms, hallways and stairwells. On the streets, they steal a few puffs before downing breath mints.

Ms. Green, a longtime smoker, is grateful that she works at home rather than in banks, where she once made her living. When she visits clients, "there's not an ashtray in sight," she said. "Employees are sent out to the elevator if they want to smoke."

Courage for the Timid

Today the American Cancer Society is holding its annual Great American Smokeout in the hope that many smokers will be so fed up with such tactics that they will decide to do without, at least for a day.

A 1986 survey by the Bureau of National Affairs, a private research company in Washington, showed that 36 percent of the 660 companies surveyed had adopted policies on smoking. "The policies are spreading, and the policies are getting tougher," said Robert Rosner of the Seattle-based Smoking Policy Institute, which helps companies develop rules.

The rules reflect a growing social consensus that smoke is dangerous to nonsmokers. This has given once-timid objectors new courage, whether at home, at work or in restaurants. And it has produced peculiar adaptations among smokers, who themselves seem to find their habit increasingly gruesome.

Some simply hide. Liz Riecker, who works in a New York brokerage firm where "people look at you" if you light up, smokes in the lavatory. So does a teacher in Boston, who ducks into a lavatory near her classroom for a cigarette. "I have to go in the little stall and keep fanning the air," she said. "I

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feel like I'm back in high school."

Loading Up When They Can

In anticipation of deprivation, many smokers load up on nicotine wherever smoking is permitted. Linda Eskenazi, a secretary in New York, said she smokes "maybe five in an hour," when she goes outside to eat lunch, and "I don't even like smoking." At the New York Telephone Company, the smoking section of the cafeteria is thick with smoke because employees "are taking four cigarettes instead of one" before they return to their desks, according to Clare Leonard, a secretary.

Jeanie Caulk, who works at the Stewart Title Company in Houston, begins smoking earlier in the day, "right after I get out of the shower," she said. With smoking time more precious, some drag harder to get every last bit of nicotine. "They become much more valuable, like a cup of coffee," said Thomas Tolley, a budget analyst for the General Services Administration in Washington.

Mr. Tolley, who has smoked for almost 20 years, said he is less productive because he has to leave his desk every 45 minutes to have a cigarette in the smoking lounge. "It isn't the five minutes that it takes," he said. "It's the interruption itself. Before, when you were working with a programming problem, you could lean back and have a cigarette and think about your problem. Now, you think about a cigarette."

Some smokers find that, separated from their cigarettes, they cannot work at all. Callers to The Chicago Sun-Times who ask for William Braden will be transferred to the smoking lounge, where the 32-year veteran of the paper spends much of his working day. Mr. Braden, who smokes as many as five packs a day of nonfiltered cigarettes, goes to his desk to make telephone calls, but he can't write there. Recently he spent nearly all of his time in the smoking room writing a four-part series on infant mortality.

Gatherings in Smoking Room

Inside the lounge he has become "good buddies" with financial and fashion writers he never saw before. "We've formed new social sets," he said.

Mr. Tolley, the budget analyst, said he meets a cross section of the organization in the smoking room, including his boss. At the Hirschfeld Companies in New York, Sean J. Leary says smokers flock to his office because they can indulge their habits there. As a result, "they end up getting more guidance from the boss than the nonsmokers do."

Keith Kurz, an administrator at the University of Rochester, finds his tolerance of smoking draws clerical workers into his office more often. "It's not creating problems," he said. "You find out more about what's going on."

Some smokers who once ate lunch at their desk and eschewed taking breaks have changed their ways. "Every morning now, I take a 15-minute break," said Mrs. Leonard, the New York Telephone secretary.

Objections on the West Coast

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(c) 1987 The New York Times, November 19, 1987

Nonsmokers become jealous of those breaks if they do not get them too. "In one of my client companies, the nonsmokers got upset," said Rita Addison, president of Clean Air Associates, a Boston concern that helps companies set up smoking policies. "They said, 'How many breaks do I get extra? I want a smoking lounge.'" "Because of that, she said, companies have to be diligent about maintaining a fair policy on breaks. At New York Telephone, for instance, Lee Infanti does not smoke but sometimes takes a break in the lounge to join friends who do.

Anti-tobacco sentiment is particularly strong on the West Coast. In Del Mar, Calif., voters defeated a proposal last month that would have banned outdoor smoking except in special pens. One New Yorker who recently moved to Los Angeles might have been happier had she been in a pen smoking.

"I was sitting on a bench in a park," she said, "when this woman, way down the way, came up to me and said, 'would you put that out?' It wasn't like we were in an elevator." Fearful of drawing any hate mail, she asked that her name not be used.

Most smokers say they would like to quit, and many of them even have dates set. Gail Kane, who works for the Prudential Life Insurance Company in Minneapolis, plans to stop before the snow falls. Otherwise, she will have to smoke outside.

But to some smokers, nothing seems strong enough to counteract a habit they find addicting. Bill Stern, who works for the MCI Telecommunications Corporation, said he can smoke at work, which is fortunate because he has found it impossible to stop, even after acupuncture and hypnosis. Only in the face of lectures from his young nephews will he desist. "I had them to dinner and I didn't smoke," he said. But he did sneak into the bathroom for one cigarette.

"I think the only way to get the diehards like myself," he said, "is to take the things off the market. If you can't get them, you won't do it."

GRAPHIC: Photo of designated smoking area of The Chicago Sun-Times (NYT/Steve Kagan)

SUBJECT: SMOKING

NAME: HALL, TRISH

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LEVEL 1 - 27 OF 55 STORIES

Copyright (c) 1987 The Christian Science Publishing Society;
The Christian Science Monitor

December 11, 1987, Friday

SECTION: Business; Pg. 13

LENGTH: 1016 words

HEADLINE: Workplace smoke lightening up as fewer light up

BYLINE: Kerry Elizabeth Knobelsdorff, Staff writer of The Christian Science Monitor

DATELINE: Boston

BODY:

In the classic newsroom setting, "you usually think of smoke, coffee, and greasy hamburgers," says Ellen Howard, head of personnel at the Lawrence Eagle-Tribune in Lawrence, Mass.

In her office, however, as well as others scattered across the country, the air is starting to clear. Writers and editors may be hunched over computer keyboards, surrounded by the litter of coffee cups and lunch bags, but there won't be any cigarette butts lying around.

In mid-November, managers at the Tribune banned smoking in all work areas and designated one-third of the cafeteria as the new and only smoking section. The policy has been a success so far, says Ms. Howard, who adds that when a new exhaust system is put in, even the smoke that remains will be filtered out.

At the Daily Hampshire Gazette in nearby Northampton, Mass., where a similar policy exists, managing editor David Melchior remarks that "it's strange to come to a paper and find no one smoking."

Strange now, perhaps, but clear air may soon become the norm in a majority of newsrooms and offices across America.

According to a report this week by the Bureau of National Affairs and the American Society for Personnel Administration, smoke pollution is indeed being filtered out of the American workplace.

The study finds that the number of companies having no policies on smoking and none under consideration has been cut in half since last year, to 22 percent. And the number of companies that totally ban smoking inside their facilities has doubled to 12 percent during that same time period.

Restrictions on lighting up, as well as practices like hiring only nonsmokers, have multiplied dramatically, because of rising health and legal concerns and workers speaking out. Public pressure has also forced some airlines to forbid smoking on some short flights.

The latest surgeon general's report on the hazards of "involuntary smoking" concluded, among other things, that simply separating smokers from nonsmokers "within the same air space may reduce but does not eliminate exposure of

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nonsmokers to environmental tobacco smoke."

The report also concludes that tobacco smoke acts with other pollutants, such as asbestos, nickel, silica dust, and radium, which can multiply the effects of possibly dangerous pollutants already present in the workplace.

Since smoking is not a legal right, but a privilege, a body of law - based on the recent health findings - has resulted in the award of disability benefits, unemployment compensation benefits, injunctive relief, and negligence claims against employers by nonsmokers.

The issue is important enough to push a few innovative companies even further: Cummings Properties Management in Woburn, Mass., for example is paying its workers \$500 to drop the habit altogether; Codex Corporation, a division of Motorola Inc., in Canton, Mass., supports its employees in smoker cessation programs. "If you don't stay smoke-free, they don't reimburse you," says Codex spokeswoman Colleen Creeden.

In the past, bans on smoking in offices were rare. They were meant to comply with fire safety or product protection codes, says Jennifer Pepino, assistant director at the Smoking Policy Institute, a nonprofit research organization based in Seattle.

And for a long time, fear that "the sky would fall on them" kept many companies from making a dramatic change in their policy, says Regina Carlson, executive director at the New Jersey bureau of GASP, Group Against Smoking Pollution.

A number of companies still reflect this fearful or negligent attitude in their smoking policies, Ms. Pepino says. "One company told me they weren't interested in any smoking policy," she explains. "Even if an employee had a breathing problem, they responded, 'we can afford to be sued.'"

But increasingly, companies are finding that smokers don't protest when asked not to light up. They're often quite surprised.

"I just don't think (smokers) realized they were bothering people," says Patricia Viscardi, occupational health service director at Honeywell Bull Inc., in Newton, Mass., which recently tightened its smoking restrictions.

Rita Addison, president and founder of Clean Air Associates, says that while society hasn't paid attention to smoking for a long time, that attitude has almost completely changed. Her three-year-old consulting firm has helped set up smoking control programs in hospitals, small and large companies, and nonprofit organizations, for a total of 125,000 employees. These types of programs make allowances for the education and adjustment of employees.

Like Ms. Carlson and Ms. Addison, people who have been fighting smoke pollution for years expect 100 percent smoke-free offices in the near future. Already, at least 10 percent of American companies have reached that point, says the Bureau of National Affairs Inc. But separate designated smoking areas are costly.

Although 79 percent of the companies surveyed by the Smoking Policy Institute have some sort of smoking policy, the institute criticizes the

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'Band-Aid approach' taken by many.

Simply setting up segregated smoking areas may not be enough, since sidestream smoke may circulate throughout the whole building, says Pepino, and a good many smoking areas have yet to be properly ventilated if such policies are to be effective. The expense of such systems is one major deterrent.

The institute also discovered that the primary, and perhaps initial, motivation for most companies' smoking policies is to conform to local clean-air ordinances. Honeywell Bull was mentioned as a company that set up a 'weak response' to its city ordinance. Since then, however, it has strengthened its policy by including a smoking room with outside ventilation, says the company's Ms. Viscardi.

The most successful and creative programs have been those that don't put up with annoying or harmful air pollution, she says, but at the same time include smokers in the decisionmaking process.

'You have to listen to all your employees,' says Pepino at the Smoking Policy Institute.

GRAPHIC: Art, no caption, JEFF DANZIGER - STAFF

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LEVEL 1 - 26 OF 55 STORIES

Copyright (c) 1988 The Times Mirror Company;
Los Angeles Times

January 14, 1988, Thursday, Home Edition

SECTION: Business; Part 4; Page 1; Column 1; Financial Desk

LENGTH: 1493 words

HEADLINE: WHERE THERE'S SMOKE, THERE'S IRE;
AFTER YEARS ON THE DEFENSIVE, SMOKERS FIGHT BACK

BYLINE: By JIM SCHACHTER, Times Staff Writer

BODY:

Remember the not-so-long-ago days when smokers would rather have fought than switched? When they'd have walked a mile for a cigarette?

That fervor for smoking -- a phenomenon that might seem to have wheezed its last gasp as city after city, from Los Angeles to New York, imposed restrictions on lighting up -- still burns brightly in some quarters.

The quarrel New Year's Eve over a smoking ban on an L.A.-bound jet was only one sign that inveterate smokers -- insisting on their right to enjoy a habit with proven deadly effects -- are trying to choke back an even-tightening noose of limitations on smoking in public places and at work.

Other reports from the battlefield:

- * In Minneapolis, a labor arbitrator last year overturned a ban on smoking imposed by Group Health, a large Twin Cities health maintenance organization. The Service Employees International Union said the company had failed to negotiate the restriction with workers.

- * Restaurateurs and other business operators won the reversal of no-smoking ordinances last year in Telluride, Colo., and Beverly Hills, where one recalcitrant smoker paid a \$100 fine rather than stub out a butt while dining at the Cafe Beverly Hills.

- * Amy Lipson of Baldwin, N.Y. -- physically dependent on cigarettes, according to a doctor's testimony -- has asked a New York administrative court to rule that a department store's policy of refusing to hire smokers is a form of illegal discrimination against the medically disabled.

- * In less than a year, more than 500 people -- one-third of them civil liberties-minded nonsmokers -- have joined the Smokers' Rights Alliance, a Mesa, Ariz.-based group founded after four Phoenix-area cities established strict prohibitions on smoking in public places.

In each instance, tobacco's defenders insist, anti-smoking forces have pushed too far.

"This is Big Brother. This is Carrie Nation. This is good old-fashioned prohibitionism run rampant," said Ray Scannell, a spokesman for the Bakery Confectionery and Tobacco Workers International Union who, incidentally, is a

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nonsmoker. "It's an attempt to dictate behavior, and Americans are not very good at having behavior dictated to them, especially by self-righteous moralists who have decided it's not good for you to smoke."

Smokers have been on the defensive in the United States at least since 1964, with the publication of the first surgeon general's report categorically linking smoking to lung disease.

For men, the habit peaked in popularity that year, when 53% of adult males smoked. Women's smoking hit its zenith a year later, with 34% smoking in 1965, according to the industry-financed Tobacco Institute. Now, barely a third of the adult population smokes cigarettes, the institute says, and sales have slid almost 9% since 1981.

Meanwhile, anti-smoking activists -- further armed with the surgeon general's 1986 report on the dangers of second-hand smoke and a 1985 study about smoking's role in industrial disease -- have grown more militant.

Banned on Some Flights

By the end of last year, the burgeoning nonsmoking movement had helped convince 14 states to regulate smoking in private workplaces, 32 states to limit smoking in public offices and perhaps as many as 350 local governments to restrict smoking in restaurants, hotels and other public places. On their own, hundreds of businesses have banned smoking entirely in company buildings. At least 40 won't knowingly hire smokers, according to a survey by the New Jersey Group Against Smoking Pollution (GASP).

On Jan. 1, California banned smoking on flights that begin and end in the state. Congress slapped a prohibition against smoking on flights scheduled to last two hours or less, effective in April. And with each new regulation, nonsmokers -- who before might have hesitated about asking a stranger to put out a cigarette -- have grown bolder and bolder in their demands for fresh air.

"There's so much pressure on smokers now and so many people who have bad attitudes about the habit that people have to quit or smoke in closets," said Robert Rosner, executive director of the Smoking Policy Institute in Seattle. "There's incredible ill will toward smokers these days."

Many smokers have simply laid down before the anti-smoking steamroller, limiting their habit to respect the preferences of the nonsmokers who surround them. "Most smokers do not subscribe to the tobacco industry's concept that smoking is an inalienable right," said Dr. Nancy Rigotti, associate director of the Institute for the Study of Smoking Behavior and Policy at Harvard University.

Most nonsmoking policies, therefore, are put into effect with a minimum of resistance and conflict, smoking experts say. "The number of instances of non-compliance is really almost negligible, if you take the time to make it work," said Rita K. Addison, president of Clean Air Associates, a Boston consulting firm that has helped companies employing 250,000 workers implement smoking restrictions.

Rebellion generally can be avoided, Addison and other consultants say, when employers give workers plenty of warning that smoking will be limited in the

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workplace, provide help in quitting for those who wish it and are consistent in imposing the limitations. Similarly, communities that mandate nonsmoking areas in restaurants and other public places without barring smoking entirely have few if any problems.

When the rules are less flexible, however, smokers begin to fume.

Singer Connie Francis, for instance, was booked on battery and trespass charges two years ago when she refused to extinguish a cigarette during a refueling stop on a Nassau-to-Los Angeles flight. An off-duty New York City police officer was shot in the face on New Year's Eve a year ago by a youth he had told to stop smoking in a nonsmoking car on the Long Island Rail Road.

Tony Mendola, manager of the Cafe Beverly Hills, said he was never comfortable enforcing the city's short-lived ban on restaurant smoking. But in the one case where police cited a patron in the restaurant, firm action was necessary, Mendola explained.

"He was demanding his right to smoke, and he figured he was in a free country and nobody should be telling him he didn't have a right to smoke," the restaurateur said. "He was loud and obnoxious and disrupting business."

Most smoker militancy is of a more measured sort.

Many unions are resisting the unilateral imposition of nonsmoking rules by companies as an infringement on their bargaining rights. The AFL-CIO Executive Council in 1986 issued a statement calling for smoking issues to be worked out voluntarily in individual workplaces, and lawyers say companies are obliged to bargain with unions over limitations on smoking.

In the non-union sector, courts have held that neither the right to smoke nor the right to work in a smoke-free environment is constitutionally guaranteed. Smoking bans imposed by non-union employers have provoked union organizing drives. One, at a plant operated by a USG Corp. division that ordered its employees to stop smoking both on the job and away from work, won the support of almost 25% of the work force, according to Scannell.

Smokers' rights groups, meanwhile, are forming in opposition to the anti-smoking forces' well-organized campaigns for local, state and federal regulation of smoking.

Polite and Pleasant

As its name implies, People United for Friendly Smoking -- or PUFFS -- is not into confrontational politics. Rather, the group, founded three years ago in St. Simons Island, Ga., is fighting against the kind of closed-mindedness that alienates friends of long standing because one or the other becomes a strident nonsmoker.

"We try to make ourselves as polite and pleasant as possible," said founder Dean Overall, who smokes just under a pack a day but whose husband and co-founder Sidney is a nonsmoker. "But what we do want to retain -- and this is the other side of the equation -- is some part of this Earth. We don't want to be shoved into closets."

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(c) 1988 Los Angeles Times, January 14, 1988

The Smokers' Rights Alliance contends that anti-smoking groups exaggerate or invent much of the evidence they use to demonstrate the dangers of second-hand smoke. Its founder, David Brenton, says there is a backlash developing among smokers that could become ugly if the no-smoking advocates grow more high-handed.

"People try to figure out how to be tolerant in the situations they're forced to deal with, but that doesn't mean they don't feel imposed upon," Brenton said. "At this point, smokers . . . don't know how to redirect that sense of frustration. They feel in many cases it's a lost battle. They feel in many cases it's not fair, but what can they do?"

"That's precisely why our organization exists -- as a means to redirect that energy," he said. "We don't think throwing blows is a good idea. But we think that kind of thing will happen more and more, as the frustration level of smokers is on the rise."

GRAPHIC: Photo, Ray Scannell Associated Press; Photo, Beverly Hills' smoking ban put restaurant manager Tony Mendola on the spot. BRIAN GADBERRY / Los Angeles Times

SUBJECT:

SMOKING; UNITED STATES -- HEALTH; DISCRIMINATION; CIVIL RIGHTS; GOVERNMENT REGULATION; COLLECTIVE BARGAINING; UNIONS

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LEVEL 1 - 25 OF 55 STORIES

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Industry Week

February 1, 1988

SECTION: FEATURES; Issues; Pg. 39

LENGTH: 3709 words

HEADLINE: SMOKING & DRUG POLICIES;

WHOSE RIGHTS?;

Over 40% of the nation's largest employers have drug-testing policies. Over 50% have smoking restrictions. Are they reaching too far into employees' personal lives?

BYLINE: By MICHAEL A. VERESPEJ

BODY:

What a worker does on his own time has always been his own business --- whether it be gambling, a night on the town, an overindulgence in alcohol or drugs, or a sexual liaison.

But all that's changing. In the last two years -- using employee health or workplace safety as the reason -- companies have begun restricting or banning smoking in the workplace and testing employees for drug and alcohol use. More than 40% of all large companies have drug-testing policies, and more than 50% have smoking policies -- both indirectly controlling employees' personal lives.

Companies such as GE, IBM, GM, Kodak, Du Pont, Union Carbide, and others are in effect telling employees: Do what you want, but if your life style affects your productivity or worker safety, or presents a health hazard, you'll have to change your ways.

(One exception: AIDS. In general, companies are treating AIDS as they would any other long-term illness and are making workplace accommodations for AIDS victims (see following story).)

To be sure, social pressure to control drug abuse and curb the suspected health hazards associated with smoking have made such policies acceptable. But there is little doubt that those admirable reasons aren't the real motivators for these new policies.

"Let's face it," says Donald Woodcock, a labor-law attorney for business with Calfee, Halter & Griswold, Cleveland, "altruism ranks third among the reasons why companies institute drug-testing or smoking policies. The first reason is a growing body of court decisions and state and federal legislation. The second reason is cost-effectiveness."

PRIVACY. As these policies spread, there's a growing concern about individual rights -- even though the constitutional right to privacy doesn't protect employees from the actions of a private employer.

Where do we draw the line, critics ask, between a company's prerogative to set workplace standards that their employees must meet and an individual's right to engage in whatever life style he chooses?

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That issue is particularly germane to drug testing because unlike alcohol, where there is a measured level of impairment, drug testing shows only recent use, not impairment.

"Because drug tests don't measure impairment, they go beyond what a person is doing on the job and open up a chemical window to an employee's life style off-the-job," says Ed Chen, an American Civil Liberties Union (ACLU) attorney in San Francisco. He has successfully halted several random drug-testing programs in California, including one at 3M's Camarillo plant.

"My concern is that this 'invasion' of rights will not stop with drug testing and smoking," says Arthur B. Spitzer, an ACLU attorney in Washington. "Once a company has your urine (from a drug test), it can test for other things — prescription medicines you may be taking, mental illness, or even genetic facts.

"If society's answer is that whatever testing is available is permissible, then we face an inevitable erosion of our privacy and our dignity," he says.

As the smoking issue illustrates, there can be intrusions even without testing.

But not everyone thinks the intrusions into worker rights will go beyond the current scenario. "I can't see employers being intrusive in other areas unless it relates to health and safety or cost factors," argues Calfee, Halter's Mr. Woodcock. "The reason drug-testing and no-smoking policies have emerged is that they have some validity to the operation of the business."

WORKPLACE IMPETUS. Business also argues that these issues have come to the forefront because it was workers or supervisors who perceived them as problems.

"We were reluctant to get involved in drug testing," explains Dr. Cliff A. Johnson, corporate medical director, The Goodyear Tire & Rubber Co. "But many of our plant managers told us that the only people applying for jobs were the 'druggies' that other firms had rejected." Du Pont had much the same experience.

Likewise, Goodyear's smoking policy was developed because of a growing number of complaints. "We had hundreds of employees writing letters to the CEO and complaining to managers and personnel officials," says Dr. Johnson. As a result, Goodyear now restricts smoking to designated areas in cafeterias or lunchrooms. In meeting areas, when a conflict evolves, the preference of the non-smoker prevails.

Goodyear has not switched as many others have to an outright smoking ban because its current policy works. "The complaints stopped overnight," Dr. Johnson says.

Goodyear's experience, says Stuart H. Bompey, an attorney with Baer Marks & Upham, New York, is fairly typical. Smoking and drug-testing policies, he argues, aren't a matter of companies' forcing their wills upon workers; they're "a reflection of society."

Already, 13 states and nearly 300 communities have laws requiring employers to regulate smoking in the workplace. "Employers are becoming more and more the enforcers of the public good and the means to enforce the mores of society," says Mr. Bompey. "Denying someone a job is the largest deterrent society has

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in dealing with these problems."

But therein, he says, lies "the rub. The more companies get involved in the private lives of their employees, the more conflict there will be."

LEGAL ISSUES/SMOKING. And both smoking policies and drug testing have kept legal eagles busy.

In the smoking arena, virtually all the legal decisions favor the non-smoker, says attorney Robert Fitzpatrick at Fitzpatrick & Verstegen, Washington.

While courts have been reluctant to impose smoking bans, they have ruled that companies need to take reasonable action to accommodate workers who are sensitive to smoke, and have ordered some firms to restrict smoking because of the common-law duty to provide a safe workplace. Other non-smokers have won unemployment compensation benefits on the grounds that their sensitivity to smoke "forced" them to quit their jobs, and they've won workers compensation benefits with the contention that workplace smoke caused their health problems.

(There is one case pending on behalf of a smoker alleging addiction to smoking and discrimination in hiring, but its chances of success are seen as slim.)

Possibly the stickiest legal problem with smoking policies is dealing with employees who can't quit. "You can't go and fire (them) because if they have been working for you for years, they would have some basis for an abusive discharge -- you've changed the work conditions," says Baer Marks' Mr. Bompey.

LEGAL ISSUES/DRUGS. In drug testing, legalities fall more into a mixed bag. In cases involving government workers, the courts have usually ruled that there is a need for just cause. And one recent case ruled that the drug test must show impairment, not just recent use.

Employees in the private sector -- who have no protected right of privacy -- have been able to mount successful challenges on other grounds: Wrongful discharge, no provable impairment, unilateral implementation without union bargaining, unlabeled samples, slander, disclosure of confidential information, or lack of just cause. And the two times that the issue of random testing has gone to a jury, the employee has pinned an expensive loss on business.

"There is no law against an employer's conducting drug tests," says Steve Yohay, an attorney with McGuinness & Williams, Washington. "But legal problems arise out of mistakes in administration -- how you do it, what you do with the results, or how the sample is collected, transported, or examined."

PERCEIVED NEED. Because of the legalities, the cost of implementation, and the employee-relations ramifications, drug-testing or smoking policies aren't for everyone -- even though they are the current vogue.

"You have to make sure there is a perceived need, and that you don't do it just because everyone else is doing it," says Dr. Bruce Karrh, vice president, health, safety, and environmental affairs at Du Pont.

In considering whether to test for drugs, the most important question companies should ask, says John Lewis, an attorney with Arter & Hadden,

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Cleveland, is WHY test? "A company needs to ask itself if there are any legitimate safety and health or productivity reasons to have a drug-testing program," he says. For example, are accidents occurring where there is evidence or suspicion that drugs or alcohol were involved? Is productivity falling off?

"Programs work best when there is a demonstrated rational basis to test," Mr. Lewis declares. "I'm an advocate of testing, but I also advocate asking the right questions and then making a business judgment on whether to get involved." Still, he advises, even if a company decides against drug testing -- as many prominent ones such as Wells Fargo Bank have -- it should let employees know that drug use anywhere on the property is prohibited.

STOP SMOKING. It hasn't been as easy to determine whether there's a need for a smoking policy. Even though statistics suggest that smokers in general are less productive than non-smokers, and that it makes economic sense to curtail workplace smoking, companies have had a difficult time concluding that there is a direct correlation between smoking and the productivity or safety of other employees.

That changed, however, when a December 1986 report from the U.S. Surgeon General warned of the potential health hazard from secondhand smoke.

But even with that evidence, most companies still wait to restrict or ban smoking until there are local smoking laws.

A case in point: Some 72% of the 50 companies surveyed by the Seattle-based Smoking Policy Institute in late 1987 developed policies only after they were required to do so by law. "Laws and court cases have forced some employers to act and scared others into it," says Arter & Hadden's Mr. Lewis.

The main reason companies are hesitant about developing smoking policies is that they approach it as "a social problem, not a health and safety problem," says Robert Rosner, executive director of the Smoking Policy Institute. "A lot of companies look at smokers and don't know how they'll adjust. They're leery of diving into it because it seems problematic."

RELUCTANCE. That's why when most companies first act they just prohibit smoking in common work areas or limit smoking to designated areas or private offices. In all, only about 10% of them have banned smoking.

That reluctance to ban isn't surprising.

"The disadvantages from the morale side outweigh the advantages on the other side," says Calfee, Halter's Mr. Woodcock. "Even non-smokers are reluctant to have their employer crowd out their smoking friends through what amounts to a constructive discharge."

Adds the ACLU's Mr. Spitzer: "If a company doesn't provide a time and a place for people to smoke, it would be shooting itself in the foot. It makes more sense to lose 30 to 40 minutes of an employee's time than to lose all of it."

Why do some companies shift to smoking bans? Some, like Honeywell, find that "employees were not cooperating and not confining their smoking only to designated areas," says Dr. John M. Burns, vice president, health and environmental resources, Honeywell Inc.

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But largely it's for financial reasons, says Washington attorney Mr. Fitzpatrick. Just as Pacific Northwest Bell didn't want to go to the expense of creating smoke-free rooms at its 750 locations, most companies, says Mr. Fitzpatrick, "don't want to have to spend dollars to accommodate smokers, maintain or clean up facilities, or create smoking areas."

Besides, by eliminating or restricting smoking in the workplace, "employers can significantly reduce health-care costs and negotiate lower life, health, and disability insurance rates," notes Dr. Leon J. Warshaw, executive director of the New York Business Group on Health. He estimates the cost to employers of having smokers on the payroll at anywhere between \$ 600 and \$ 4,600 per employee annually.

BETTER IDEAS? Given the increasing number of state and local smoking ordinances, and the growing number of court cases upholding non-smoker rights and labeling smoke as a health hazard, it's almost a fait accompli that most companies will have some sort of smoking policy in the near future.

But drug testing isn't that fixed in stone. Critics argue that testing doesn't get at the heart of the problem -- which is poor performance -- and they question whether there might be a less intrusive solution.

"The tests don't {measure} current performance," insists the ACLU's Mr. Spitzer, "which is what the employer should be concerned about." Weekend drug use, for example, doesn't necessarily mean Monday morning impairment. And he questions why industry doesn't use performance-based tests that check on an individual's ability to perform tasks.

"If a person can pass a physical-skills test, he should be able to perform on the job," says Mr. Spitzer. "And if he can't, then it doesn't make any difference what the cause is, unless it becomes repeated."

But companies argue that drug tests aren't any more intrusive than a blood test for marriage or an eye test for a driver's license. Besides, they say, skill tests wouldn't work -- practically or legally.

"We thought about alternatives, but we couldn't find any that accomplished our objectives," says Du Pont's Dr. Karrh. "We considered physical-skills tests, but we felt that those tests are very subjective and would be even more demeaning than a urine test if everyone was tested as he came on the job."

Another problem is that even though activities could be designed to test an individual's skills, "15 minutes later that worker could do some snorting," says New York Business Group's Dr. Warshaw. Besides, says Calfee, Halter's Mr. Woodcock, in a wrongful discharge contention "there is a burden on the employer to show that there was impairment of the worker's ability to perform his duties." And, without testing, the court will ask a company how it knew that drug use was involved.

HOLLOW RING? No matter how sound those arguments seem, they still ring with hypocrisy, say union officials.

"Are the same companies that advocate drug-testing or no-smoking policies engaged in programs of testing workplaces for exposure levels of toxic materials?" asks a spokesman for the AFL-CIO's Building & Construction Trades

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Dept. "Drug testing is just an easy way to avoid handling performance problems directly."

But Jim McGregor, a spokesman for Bath Iron Works -- a Bath, Maine, shipbuilder with a "for-cause" and random drug-testing policy that was hit with a record OSHA \$ 4.2 million fine for 3,000 (since contested) safety violations in November -- bristles at the suggestion that companies institute drug testing as an easy way out of handling performance problems.

"If I wanted to get rid of a person with a drinking or drug problem," says Mr. McGregor, who served as vice chairman of a state commission that studied the drug-testing issue, "the last thing I'd do would be test, because that person is going to ultimately self-destruct."

"I honestly believe that you are being humane as a company if you couple testing with the opportunity to get help," he declares.

TAILORING POLICY. If a company decides to proceed with drug testing or institute a smoking policy, is there any one type of policy that is most effective?

Probably not. "You have to tailor the policies to the nature of your workforce, and be consistent in whatever policy you choose," says Calfee, Halter's Mr. Woodcock. "If you do things indiscriminately, you can anticipate serious morale problems and being constantly barraged with and losing discrimination and discharge claims, especially if you have no evidence that the worker has not performed well."

In putting together a smoking policy, companies must decide where or whether they will let people smoke, how to designate areas for smoking, and how to help employees stop smoking, says Mr. Rosner at the Smoking Policy Institute.

But surprisingly, even though any smoking policy will mean that some employees -- usually 25% -- will have to change their personal habits or behavior, few companies bother to survey their workers.

"A lot of companies are just blundering through this," says Mr. Rosner. Less than one-third of the companies he asked had surveyed employees, 71% didn't notify their union, and 46% didn't even check their contract.

SURVEYS HELP. With a properly designed employee survey, argues Mr. Rosner, you can determine worker attitudes about smoking (is it harmful, is it a problem is there a right to smoke, are the employees bothered by smoke?), how they feel about different policy alternatives, where the resistance may be, and how many employees smoke.

Failure to survey workers, he believes, is why companies wind up changing their policies over time. Without such a survey, companies can't get a grip on the potential costs or the pitfalls. The other reason is that companies start "a ticking clock" when they restrict smoking. The reason? "To be successful even in restricting smoking, you have to convince employees that sidestream smoke is harmful. And if you do that, then the clock starts ticking to remove smoke as a health problem," Mr. Rosner observes.

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TESTING PRECAUTIONS. In drug testing a company must decide whom it want to test, how to take the sample and get it tested, what to do with the results, and how to keep the results confidential. It also needs to be aware of the possible false positive readings that inexpensive drug-screening tests can give, and the need to confirm an initial positive test with a second, more accurate test using gas chromatography/mass spectrometry.

And if there's a union involved, you must bargain. The National Labor Relations Board ruled last September that drug testing for both employees AND job applicants is a "mandatory bargaining subject."

As a result, the most common approach is to test all job applicants, and to test current employees in high-risk or safety-sensitive positions, or "for cause," and to couple it with some company-sponsored rehabilitation program, says Arter & Hadden's Mr. Lewis. "Blanket random testing just creates too many employee morale problems and negative feelings about the company. And it isn't easy to justify in court." Besides, he says, employees will regard "for-cause" testing as fairer.

DIVERSITY. Yet, programs still vary widely. One Texas manufacturer simply dismisses anyone who tests positive under its random drug-testing policy (upheld by the courts because of a fire-at-will law that governs Texas employers). Others, such as Bath Iron Works, couple "for-cause" or "reasonable-suspicion" testing with provisions for random testing -- for up to one year -- of employees who test positive and then return to work after rehabilitation.

Goodyear Tire takes just the opposite view. "We don't think it does any good to do random testing," says the firm's Dr. Johnson. "You are not going to get at the root of the problem, and you are going to be testing a lot of people unnecessarily." (Less than 10% of job applicants test positive at most companies.) "We use drug testing as a last resort. It carries with it a risk and the stigma of poor employee relations."

Honeywell leaves testing of new job applicants -- by far the most prevalent form of drug testing -- to the discretion of the top supervisor at each of its 375 offices and manufacturing facilities. They can either test them all, test potential workers in safety-sensitive or high-risk positions, randomly test some of the samples, or test none, says Honeywell's Dr. Burns.

For current employees, there is only "for-cause" testing, and no employee is required to take a test against his or her will. If an employee refuses to authorize a drug test, "the supervisor would get a note to that effect from the medical department and then deal with the problem on a straight performance-management basis," Dr. Burns declares.

HOMEWORK. In the end, whether it's smoking or drugs, the success of a policy depends upon what kind of homework a company does before the program is launched.

"It is important in adapting any policy that restricts the freedom of employees that a company be able to justify it from a health and safety standpoint, or an economic basis, and that it find a way to preserve a worker's job rights," says Calfee, Halter's Mr. Woodcock.

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"Good management," he says, "will be able to sense what problems they'll confront, what obstacles they'll encounter, and where the concerns will arise."

TESTS AND ACCURACY IS IT RIGHT?

Not all drug tests and urine samples are created equal. In fact, the broad-spectrum tests that most companies use for their initial drug screening is the least reliable because it identifies only a broad class of chemicals. Thus, prescription and over-the-counter drugs can sometimes trigger a positive drug-use reading, says Dr. Jan Muczyk at Cleveland State University.

For example, poppy seed lovers and users of prescription codeine can test positive as users of opium, morphine, or heroin. Users of the over-the-counter analgesic ibuprofen -- found in Advil and Nuprin -- can be mistaken as marijuana users. The antibiotic Amoxycillin can produce a false positive reading for cocaine. And certain cold medications -- Contac and Sudafed -- can show up as amphetamine abuse.

Experts suggest the use of narrow-spectrum test that identify precise molecules of specific drugs if an initial screen is positive. The most foolproof method: the gas chromatography/mass spectrometry test which weighs each molecule separately.

The other problem with testing is guaranteeing the authenticity of the urine sample. There are numerous ways to beat the test -- "clean" samples sell on the street for less than \$ 50 -- and few companies actually witness the collection of the sample. The best safeguard: check the bottle for its warmth, color, and gravity immediately.

And it's not wise to give employees time to consider whether or not to take the test. Experts warn there are ways to "beat" the test.

GRAPHIC: Cover Illustration, no caption; Illustration 1, no caption, Min Jae Hong; Illustrations 2 and 3, no caption, Oliphant (c) Universal Press Syndicate.; Picture 1, WOODCOCK; Illustrations 4 and 5, no caption, Oliphant (c) Universal Press Syndicate.; Picture 2, LEWIS; Illustrations 6 and 7, no caption, Oliphant (c) Universal Press Syndicate.; Picture 3, BURNS; Illustrations 8 and 9, no caption, Oliphant (c) Universal Press Syndicate.

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LEVEL 1 - 24 OF 55 STORIES

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February 8, 1988

SECTION: U.S. NEWS; Pg. 20

LENGTH: 712 words

HEADLINE: Taking on Big Tobacco in Dixie

BYLINE: by Sandra R. Gregg in Lexington

HIGHLIGHT:

How one family is fighting the cigarette industry in a small Southern town

BODY:

* Late last month, a gray tornado blew up out of the board-flat cotton country of the Mississippi Delta and spun into the rolling hills around the county seat of Lexington, missing the town by a whisker. In the local courthouse, a judge suspended proceedings for a few hours. And as the storm blew by, the defense in this evolving courtroom drama hoped only that it would dodge disaster as neatly as the citizenry of Lexington. After all, there was an awful lot at stake. Money, for one thing. And a winning streak unlike any other in the annals of big business.

The Nathan Henry Horton family v. the American Tobacco Company is a case that is something of a humdinger. The facts are fairly straightforward, the implications anything but. The background: Nathan Horton, carpenter and ex-Navy seaman, smoked two packs of unfiltered Pall Malls a day. He did that for more than 35 years, right up until he died last year. He was 50. Horton's family -- alleging that smoking causes cancer and that, in addition, the Pall Malls were contaminated with cancer-causing insecticides -- has sued. They want \$ 17 million. And according to some lawyers and tobacco-industry experts, they just might get it. A mistrial at week's end clouded the picture. But if the Hortons prevail when the case is retried, it'll reverse an extraordinary record for Big Tobacco, which has seen some 200 product-liability cases resolved in its favor over the years.

Peculiarities, plaintiffs' rights

For the \$ 33.7 billion industry, it would be a particularly irksome development. Just last week, as the jury in the Horton case broke off deliberations, proceedings in another high-profile liability case against the tobacco industry were getting under way in New Jersey. And while the Horton case turns, in part, on a peculiarity of Mississippi law (jurors there may award a percentage of damages to a plaintiff even if they find a defendant only partially at fault), the determinative facts concern claims that, by the time warning labels were mandated on cigarette packages in 1966, many smokers were addicted and could not stop.

Win or lose, cases like Horton family's spotlight increasing uneasiness about the industry. Since December, stock prices have dipped about 10 percent, on average, below the market -- perhaps in anticipation of the coming lawsuits. And if the industry loses in Lexington, stock prices will drop further, though probably not to catastrophic levels because of the diversity of its holdings.

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American Brands, for instance, derives 50 percent of its profits from cigarette sales. But it also owns Masterlock, Jim Beam and Franklin Life Insurance. Franklin, by the way, offers discounts to nonsmokers.

The cumulative effect of the lawsuits is to fuel public debate over the dangers of smoking. There is also a more practical side, one that can only cause more uneasiness in the tobacco industry. With each new case, plaintiffs learn new legal stratagems while their lawyers uncover more and more about the tobacco industry through discovery proceedings. Richard Daynard, chairman of the 3-year old Tobacco Products Liability Project at Northeastern University Law School, is encouraging plaintiffs' attorneys to share information as they explore new arguments. "I think there will be a large number of cases brought," says Daynard, "and many able and well-paid lawyers becoming involved."

And this, ultimately, is the significance of the trial in the little courthouse in Lexington. It is here, in this turn-of-the-century courtroom with the hard wooden seats, that the case of Nathan Horton may, better than any surgeon general's warning, finally give the lie to the tobacco industry's oft heard refrain that there is nothing to prove that cigarette smoking causes cancer. It's a message that seems to be getting through. While 350,000 smokers die in the U.S. of smoke-related illnesses each year, an additional 1.5 million stop puffing. At the same time, according to the Smoking Policy Institute, about 50 percent of the U.S. businesses have instituted some sort of antismoking policy. And because of publicity surrounding cases like the Horton family's, those instances are increasing in number and severity.

GRAPHIC: Pictures 1 and 2, Nathan Horton died addicted to the weed. His widow Ella and stepson, Nathan, aim to send a message with their suit, CATHY PLUNKETT -- AP; Graph, BLOWING SMOKE, USN&WR -- Basic data: U.S. Dept. of Health and Human Services

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LEVEL 1 - 23 OF 55 STORIES

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March, 1988

SECTION: Vol. 20; No. 3; Pg. 31

LENGTH: 2838 words

HEADLINE: The ten healthiest cities in America

BYLINE: Abbott, Carl; Starker, Joan

BODY:

If you congratulate yourself on staying healthy, you may think you're doing it all on

our own. Surprise-if you live in a metropolitan area, location can make as big a difference as your personal lifestyle. And since more and more of us are making our homes in cities, it's crucial that we know which ones are the healthiest.

To find out, we subjected the nation's 50 largest metropolitan areas (from New York, with 18 million residents, to Jacksonville, Florida, with 722,000) to three tests. First, did the area encourage healthy behavior for example, by providing plenty of fitness opportunities or wellness-education programs? Second, were various health risks (such as skin cancer and traffic accidents) statistically low, compared to the national average? And third, did the city have easily accessible health care? We consulted such agencies as the Centers for Disease Control, the Environmental Protection Agency (EPA), the Census Bureau and various health organizations from the American Medical Association to Americans for Nonsmokers' Rights.

Our rating system awarded cities three or four points in each of four categories (a perfect score would be 15 points, but the standards were high: Even Richmond, above, our top-ranked city, scored only 9):

*HEALTHFUL HABITS. Who wants to be the only one in town who smokes, doesn't work out, or comes to work with a hangover? To measure the climate for healthy living, we looked at exercise opportunities, alcohol consumption levels, and anti-smoking laws.

*CLEAN AND GREEN. We compared the cities in terms of air quality (based on EPA clean air measurements and levels of ragweed pollen), water quality and access to recreational areas such as parks, beaches,

lakes, rivers and mountains.

*STAYING SAFE. Some disease risks seem to be linked to location: Melanoma (skin cancer), for example, is more common in Sunbelt states, while other cancer rates are higher in industrial areas.

The incidence of accidents and violent crimes also varies. We looked at death rates from traffic accidents as a measure of driving safety. And we determined the risk of violent crimes from the numbers of murders, rapes,

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armed robberies and assaults reported to the FBI Uniform Crime Statistics.

*IF YOU NEED HELP. It's easier to stay healthy if your community has good medical care. Since every city we looked at provides basic medical services, we used the number of hospital beds per 1,000 inhabitants as a guide.

Our final analysis, however, was not just based on numbers. We "realitychecked" our results by talking to local health-care professionals and journalists. Their comments helped us pare down our list to the final 10.

As you can see, the results were close-and no city scored perfectly. Other cities are not necessarily unhealthy-in fact, some people with specific health concern might not find their best bets here. We tailored our criteria to the typical city-dwelling reader: A healthy woman who wants to stay that way.

For her-and for you-the best new places to live are on the following pages. R I C H M O N D

9 Points Ask a Richmonder what's special about

her city, and she'll probably tell you something about its place in history as the capital of the Confederate States of America during the Civil War. But start looking at the present-day city on the James River and you'll find an outstanding example of a community that really cares about its citizens' good health.

To start with, Richmond serves as one of the South's leading medical centers. It's home to more than a dozen hospitals, as well as the Medical College of Virginia, the largest medical education and research facility in the state.

In addition, many residents can get more than people in other cities for their health-care dollar. In the early 1980s, the area witnessed a heavy influx of health maintenance organizations (HMOs). These are prepaid medical plans that offer complete health coverage (usually available through one's employer) for a set premium. Stiff competition among HMOs has kept their costs low for Richmonders. In addition, 30 of the city's largest employers have formed the Richmond Area Business Group on Health to monitor the effects of HMOs and look for ways to keep premiums low and improve benefits to those covered.

Richmond also scores high for clean air, low cancer rates-despite its location in tobacco-growing country-and a low incidence of crime. Its many parks and recreation areas are a bonanza for outdoor fitness enthusiasts. B O S T O N 7 POINTS

Health care in Boston is just a phone call away. The Mayor's Health Line links callers with a vast network of healthcare services, including two of the best hospitals to be found anywhere, Massachusetts General and Beth Israel.

But Bostonians work hard at staying out of the hospital-they keep active, whether by running in the Boston Marathon, sailing and rowing on the Charles River, or fishing and swimming in the Atlantic Ocean. Walking is also popular. Says Susan Brink, a health writer for the daily newspaper The Boston Herald, "Business, shopping and entertainment districts are compact, which creates wonderful walking conditions. People who don't get much other exercise keep moving." The city is also a center of the anti-smoking movement, housing the

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Massachusetts Group Against Smoking Pollution (GASP), a lobbying group that works with local boards of health to pass clean air ordinances. Nearby at Harvard is the Institute for the Study of Smoking Behavior and Policy.

And, yes, you can drink the water it's rated among the nation's best. H O N O L U L U

7 POINTS

A place with enough going for it to make almost any other city jealous, Honolulu also ranks as the country's capital of longevity. Data on the state of Hawaii-80 percent of whose residents live in the Honolulu metropolitan area-show an average lifespan of 77 years, compared to 73.9 nationally.

Part of the reason is the high proportion of residents of Asian ancestry, who have a comparatively high life expectancy anywhere in the U.S. However, Honolulu also seems to encourage good health. Of the 25 states surveyed for the Risk Factor Surveillance System by the Centers for Disease Control in Atlanta last year, Hawaii ranked lowest in the percentage of overweight residents, and highest in the proportion of those who exercise at least three times a week. So it's a good bet that any heavy, out-of-shape folks you see strolling on Waikiki Beach are tourists-not natives!

We hardly need mention that Honolulu is a water buffs paradise, but landlubbing exercisers flock there as well: The Honolulu Marathon had 9,000 participants last year, and The Runner magazine has ranked Honolulu one of the best cities for running due to its fabulous weather and varied terrain.

The city also has a low crime rate and relatively few traffic accidents. The average commuting time is 25 percent less than the national average, which can keep stress levels down.

M I L W A U K E E

7 POINTS

Try not to let the image of Milwaukee as the country's beer-producing capital dominate your impressions. Milwaukee has a long tradition of health-consciousness. It gained its reputation back in the 1870's, when local governments throughout Wisconsin became very involved in health care, health education and preventive medicine. In the 1920's and 1930's, Milwaukee regularly won high honors in national contests for the healthiest city.

Milwaukee is still a winner, and preventive health care is still one of the main reasons why. A city-financed program called Project Life and Health offers free health screenings and health risk assessments to low-income residents. The local health department is a national leader in the detection of hypertension; since 1974, it has provided, free blood-pressure screenings at sites, throughout the city.

Milwaukee is also one of nine cities in-

involved in a nationwide health risk appraisal program conducted by the Office of Disease Prevention and Health Promotion in Washington, D.C. Participants, selected at random, get tips on maintaining a healthy lifestyle.

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All this and a low crime rate, too, makes Milwaukee a place where it's easy to practice healthful living. M I N N E A P O L I S

ST. PAUL 7 POINTS Health care is one of Minnesota's fastest

growing industries and residents of the Twin Cities are the lucky beneficiaries. The area has some of the best centers anywhere for heart research and treatment, including the University of Minnesota Hospitals and the Minneapolis Heart Clinic. It's also the home of the Melpomene Institute for Women's Health Research, which specializes in the health of physically active girls and women. In addition, the Mayo Clinic, a world-famous referral center, is only 80 miles away in Rochester.

Residents of Minneapolis-St. Paul can also benefit from landmark legislation promoting good health, as well as strong local health programs. A few examples:

*Last year, Minnesota be

came the first state to pass a law establishing a compre

hensive system for mental health services.

*The state has committed itself to smoking prevention by using its cigarette tax to conduct smoking education programs in communities and schools. Minnesota's 1975 anti-smoking law, among the first in the nation, had "an incalculable impact on the fight for clean indoor air, and has raised the consciousness of Minnesotans about the negative effects of smoking," says Mark Pentschuk, executive director of Americans for Nonsmokers' Rights in Berkeley, California.

R O C H E S T E R 7 POINTS

Rochester, in upstate New York, is known for its cold, snowy winters, but it's also a thriving center for health care. The metropolitan area has more than 2,000 physicians and surgeons and nine hospitals, including Strong Memorial, rated one of the best in the country in a national survey of doctors. "The spirit of cooperation that exists among its hospitals has put Rochester on the map in terms of health care," says Donna Regenstreif, former executive vice president of the Rochester Area Hospitals Corporation.

Rochester's commitment to women's health is evident through the University of Rochester Cancer Center's Center for Early Breast Cancer Detection. According to assistant director of public relations Margaret Graham-Smith, the facility is the only one in the country to offer free mammography to all women.

A low crime rate and clean air also contribute to Rochester's high rating. In fact, a recent study by the Rochester-based Center for Governmental Research, comparing the city to 14 other urban areas of similar size, found Rochester's crime rate to be the lowest and rated it number one in overall quality of life. Rochester was also among the first cities in the country to conduct citywide screenings of cholesterol levels.

S C R A N T O N / W I L K E S - B A R R E

7 POINTS

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The Scranton/Wilkes-Barre area, located on the Susquehanna River in northeastern Pennsylvania, is not a particularly glamorous or cosmopolitan setting. But the two middle-sized cities are both neighborhood-oriented communities that can provide the setting for a balanced, healthy life, within a reasonable distance of the faster-paced East Coast metropolitan corridor. The area offers an alternative to the nearby fast-track cities of Philadelphia and New York. It's a place where "getting away from it all" can mean simply driving for 10 minutes out of the center of town into quiet and heavily wooded mountains.

The forested Allegheny Mountains rise on one side of the river valley, and the Poconos, with their dozens of lakes and resorts for fishing, hiking and other sports, are on the other. There are even two ski resorts located within 15 miles of Scranton's downtown center.

The decline of heavy industry in the area-though it has given rise to some economic problems-has significantly improved the region's air quality. Scranton also has one of the lowest crime rates in the nation, according to FBI reports. It has first-rate hospitals, and its health-care costs are well below the national average.

GREENSBORO

6 POINTS

The "Piedmont Triad" of Greensboro, Winston-Salem and High Point sprawls across the rolling hills of central North Carolina. According to John Herbers, a reporter for the New York Times who covers the Greensboro area, the three cities (of which Greensboro is the largest) form an ideal example of the new American metropolis: urban and rural areas in a band of low-density settlement.

The tri-city area was ranked as the nation's "most livable metropolitan area" in a study by geographer Robert M. Pierce, PhD, of the State University of New York at Cortland. The study included health care, recreation, transportation and climate. It compares favorably with large industrial cities with a low incidence of crime, and enjoys good, low-cost health care facilities and a high ratio of doctors to local inhabitants.

The progressive Guilford County Health Department was recently recognized by the U.S. Department of Health and Human Services for two innovative programs. One promotes healthy environments in day-care facilities, and the other encourages self-sustaining wellness programs in local businesses. In addition, the National Association of Counties last year named two of their health department programs as winners of New County USA Achievement Awards. One, the Community Alternatives Program, provides long-term home health care to disabled people, and the other, the Cooperative Substance Abuse Program, addresses health problems related to aging and drug abuse. P

PITTSBURGH

6 POINTS Pittsburgh is perhaps the nation's greatest success story in the battle against environmental pollution. Fifty years ago, the city's steel mills and railroads emitted a dense pall of smoke that hung over its steep hills and valleys, and contaminants fouled the Allegheny, Monongahela and Ohio Rivers that run through the city. But since World War II the city's Democratic party

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machine and its Republican business communities have joined forces to clean up the area's air and water. Today despite January's water-supply threatening oil spill on the Monongahela River-Pittsburgh remains a model for other cities attempting to deal with the consequences of environmental waste.

The city also boasts terrific medical services, led by a distinguished medical school at the University of Pittsburgh. Steve Twedt, a medical writer for The Pittsburgh Press, notes, "Our medical care rates among the best." Magee Women's Hospital, for example, delivers more than 10,000 babies a year, making it one of the largest obstetrical hospitals in the country, and Presbyterian-University Hospital ranks among the world's best for the amount and variety of organ transplants performed there.

Last November, the city council jumped on the anti-smoking bandwagon by banning smoking in most enclosed indoor areas, and guaranteed smoke-free environments in all workplaces.

As for fitness opportunities, Pittsburgh must love runners, anyway: The Pittsburgh Marathon is one of the biggest in the country, and this May the city will serve as the site of the women's

Olympic marathon trials. S E A T T L E

6 POINTS

It's reassuring to live in Seattle. The city's emergency medical services are among the nation's best, which is reflected in the fact that its residents have one of the highest heart attack survival rates (20 percent, compared to less than 5 percent nationally). The Seattle Fire Department has been operating a mobile coronary care/intensive care unit since 1970 under a program known as Medic 1. Today, the department operates seven Medic I units, each equipped with medical and electronic life-support systems and run by a team of highly skilled paramedic technicians. Medic I was so successful that an additional program, Medic 11, was started in 1971. It offers residents Red Cross-certified training in cardio-pulmonary resuscitation (CPR). The training program has been so effective that an estimated 25 percent of Seattle residents now know CPR, which can be used to care for a heart attack victim before medical help arrives.

The city's health-consciousness has spread to the workplace as well. The Smoking Policy Institute, a national education and lobbying group, is based in Seattle, and has helped ban or limit smoking in many local companies.

Seattle also won points in our survey for its outdoor recreational opportunities. Although the city has among the country's highest number of cloudy or rainy days per year, residents still take advantage of the area's moderate climate and the vast natural playground provided by Puget Sound, and indulge in water sports galore.

GRAPHIC: Photograph

SUBJECT:

Cities and towns, health aspects; Medical care, Evaluation; Public health, Evaluation; Richmond, health

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LEVEL 1 - 22 OF 55 STORIES

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April 18, 1988, U.S. Edition

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HEADLINE: All Fired Up over Smoking;
New laws and attitudes spark a war

BYLINE: By Nancy R. Gibbs. Reported by Nancy Seufert/Los Angeles and Martha Smilgis/New York, with other bureaus

BODY:

Sirio Maccioni, owner of Manhattan's elegant Le Cirque, is in a state. A suave restaurateur who prides himself on his ability to solve any crisis with aplomb, Maccioni caters to high-profile customers who think nothing of dropping \$100 for lunch. For him, no whim is too outrageous to be cosseted, no ego too blatant to be stroked. But last week Maccioni faced an uproar that rattled even his finesse. Some of his most faithful customers were annoyed. His reservation book was a jumble. Phone callers adopted a threatening tone. The problem: New York City's new Clean Indoor Air Act had come to Le Cirque, and for the restaurant's denizens, as for millions of other New Yorkers, life would never be the same again.

The new law requires that half the tables in restaurants with more than 50 seats be reserved for nonsmokers. Maccioni was already agonizing over the nightmares that lay ahead. "One of my regular customers comes in and says, 'Why can't I have my table? I have had that table for 15 years.' I reply that he and his guests are smokers and their table is now in the nonsmoking section." Or worse: "I give Donald Trump his table in the nonsmoking section, and one of his guests lights up. Those at the next table jump up and say, 'If you don't make him stop, I'll call the police.' "

The new legislation also restricts smoking in stores, theaters, hospitals, offices, museums, banks and virtually all other enclosed public places. It is a pitiless law, leaving many smokers few havens except for parking lots and the airless privacy of their own apartment. No sooner had it taken effect than reports began circulating of two commuters pummeling a recalcitrant smoker at a train station, of a business executive trying self-hypnosis to make it through the day at work, of mass defiance at the city's smoke-filled Offtrack Betting offices. Yet, predicts New York Mayor Ed Koch, the city will scarcely have to enforce the ban; New Yorkers will take care of that themselves. "This is going to be one of the best self-enforced laws in the country," says Koch, who has not smoked since 1952. "There is no one more enraged than a nonsmoker forced to take in secondhand smoke." Unfortunately, that rage inevitably clashes with the rage of the smoker determined to enjoy firsthand smoke. All in all, the law promises to play further havoc in a city not known for the civility of its communal life.

New York thus becomes the latest battlefield in a war that has been raging in the U.S. for some time. All across the country, in large towns and small, in the skies, the offices, the courts, in every cranny of common space, Americans are fighting over where, when and whether a smoker may smoke. Even in their homes,

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where new laws do not apply, new attitudes do: children threaten to withhold good-night kisses from smoky parents, spouses are exiled to the garage. Fumes Ray Cahoon, 53, a computer specialist in Woodlawn, Md.: "It's gotten to the point where the smoker has no rights at all." Some 26% of American adults now smoke, down from 38% thirty years ago. But if smokers are becoming a minority, they are an increasingly belligerent one. Even those who would like very much to quit want to do so in their own sweet time -- not under a legal gun. They are sick of having glasses of water dumped on their ashtrays or ashtrays dumped on their beds. "The antismoking movement has to do with power lust," argues Paul Corkery, a New York free-lance journalist partial to cigars. "It is a movement that brings out the worst in the worst sort of people."

The worst sort of people in this case includes the U.S. Surgeon General, Congress, hundreds of municipalities, most of the nation's corporations and millions of newly militant nonsmokers who have joined in a campaign to clear the air. Forty-two states have passed laws restricting smoking in public places. Maine has removed cigarette-vending machines from sites where teenagers might have easy access. Utah forbids cigarette ads on billboards, while California has banned smoking on trains, buses and planes traveling within the state.

The new rules are sparking explosive confrontations on all fronts. The most combustible atmosphere of all is the workplace, where smokers and nonsmokers have grated on each other for years. Signs on office walls that used to smile THANK YOU FOR NOT SMOKING now growl IF YOU SMOKE, DON'T EXHALE. As more and more firms impose tough regulations, millions of smokers are being forced to choose among quitting, hiding, and moving their desk to the rest room. More than half of America's companies have now restricted smoking at work. Some ban it altogether; others, such as Turner Broadcasting in Atlanta and Northern Life Insurance in Seattle, simply refuse to hire smokers. Most require that common areas -- open office space, hallways, lounges, conference rooms and rest rooms -- be smoke free.

Employees in the ceiling-products division of Chicago's USG Interiors have been told they may not smoke at home either. Such broad restraints strike some as intrusive: "If you want to regulate my life for 24 hours," observes Chicago Labor Lawyer Marvin Gittler, "pay me for the 24 hours or get the hell out of my life."

Some smokers must go to extremes to indulge their habit while keeping their job. At Methodist Hospital in suburban Minneapolis, a worker stepped out onto a second-floor balcony to smoke, despite the frigid temperature. When the door accidentally locked behind her, she jumped to the ground, broke a foot in two places and fractured a wrist. On that very day, the first of a smoking ban, the employees' union had filed a grievance against the hospital for not providing a smoking lounge for workers.

In many companies, the battle lines are drawn between the factory floor and the executive suite. Though workers in open areas must abide by the new rules, anyone with an office door to shut may puff away to his heart's content -- though, ironically, relatively few high-ranking professionals do so. According to Donald Garner, an expert in liability law at Southern Illinois University, only 25% of white-collar workers smoke, compared with 50% of blue-collar workers. "This, in a sense, has put over on the nonsmokers' side an enormous reservoir of talent and social prestige that was not there 25 years ago," he says. "Now that the chairman and the CEO aren't smokers, they've become

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instigators of the nonsmoking workplace."

Company officials responsible for enforcing the restrictions do not relish the task. "Nobody thanks you for putting in a smoking ban," says John Bowyer, a personnel director in Charleston, W. Va. When Bowyer learned that smokers at his company were sneaking off into nearby offices, "I went over with a fire extinguisher and dropped a rather strong hint." If all else fails, employers may be forced to take stronger measures. Judy Caron, a social worker at the state welfare department office in Attleboro, Mass., was dismissed in February for insubordination after a five-year battle over her smoking, during which her legal fees were paid by the Tobacco Institute, an industry group. "I never smoked with clients," she insists, "and I could no longer enjoy a cigarette at my desk." She resented having to give up her private office and smoke in the company kitchen when the department ran out of space. Now at home in Easton, Mass., she has hired new lawyers to fight for reinstatement.

In many cases, of course, the response has been much less rancorous. Some workers welcome the added incentive to quit smoking and feel that employers are taking a reasoned and sympathetic approach to their plight. Many companies pay all or part of the costs of cessation programs, hypnosis therapy, special classes and self-help kits. Most of them have discovered that they have a lot to gain from helping employees kick the habit. "They will be healthier, their attendance will be better, and this will keep medical costs down," says Arthur Hilsinger, owner of a 100-worker optical-accessories company in Plainville, Mass.

Even while getting to and from work, smokers increasingly find no relief. On the Golden Gate ferries, which carry thousands of commuters across San Francisco Bay each rush hour, passengers who used to be allowed to smoke on one side of the bar area now duck outside to the windswept decks when ferry personnel look the other way.

That option, however, is not available to nervous flyers who need to smoke to calm their nerves. Beginning next week, a federal ban will prohibit smoking on scheduled flights lasting two hours or less. At the same time, Northwest Airlines will become the first major U.S. carrier to keep its NO SMOKING signs permanently lighted on all domestic flights of whatever duration. A survey of hundreds of its frequent flyers showed that 90% prefer a no-smoking seat. Passengers argue that after being aboard an airliner for a few hours everyone in effect is seated in the smoking section; even passengers seated far forward sometimes complain of headaches and watery eyes and blame the limited air circulation in airline cabins.

Having long been segregated on scheduled flights, smokers are indignant about the outright ban. "I think it's discriminatory," says John Collins, a Los Angeles telecommunications contractor and frequent flyer. "First they put all us smokers way in the back of the plane. We took that O.K. But now they tell us that we can't smoke at all. The whole thing has been aggravating as hell, especially when I can remember when you used to get on a plane and the stewardesses were handing out five-packs of cigarettes."

As for the countless other public battlegrounds -- store lines clogged with puffing shoppers, taxicabs, hotel lobbies, hospitals and sports arenas -- the friction level depends largely on how vigorously and graciously people go about policing their fellow citizens. Employers, after all, have far more leverage

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over their workers, and airlines over their passengers, than citizens do over one another. Who is really going to enforce the regulations, apart from those who have always been willing to pipe up and demand that a smoker crush out a cigarette? "Usually it's older women who are more aggressive," jokes South Dakota State Representative Gust Kundert, 74, who smokes a pack a day. "They get a little sarcastic with me. They figure I can't pop them one."

On the other hand, officials in some of the hundreds of cities that have passed antismoking ordinances of various descriptions have been surprised at the calmness of the citizen response. "I anticipated more argumentative confrontations among people in lines at banks and supermarket check-out counters," says City Manager Robert Healy of Cambridge, Mass., where smoking restrictions went into effect a year ago, "but so far we have had very little quarreling." And this without an official show of force. "We don't have police cruisers going around with water pistols trying to shoot out people's cigarettes."

But in other cities where nerves are still raw, the worst may be yet to come. As last week's events at Le Cirque proved, no turf is touchier than a restaurant table. Some people can no more dine out without smoking than eat without chewing, and for them any restaurant restrictions are excruciating. Most laws call for separate smoking and nonsmoking sections in all restaurants, though not in bars. "I'm constantly changing seats to enjoy a cigarette after dinner," says Graphic Designer Toni Carabillo of Los Angeles, whose friends insist that she remain downwind. "It's hell to be a smoker these days, because we all have to be so sensitive to nonsmokers." Nothing is more embarrassing to Journalist Corkery than "when someone in my party walks over and tells other people to stop smoking or spends most of the dinner conversation fussing about whether to go and badger smokers to stop."

Last spring, when Beverly Hills attempted to outlaw all restaurant smoking, some irate owners reported a 30% drop in business. The city council finally agreed that if restaurants installed special ventilation, they could set aside a smoking section. Yet some owners in other cities declare they would prefer an outright ban to arbitrating disputes among patrons. "Then I wouldn't have to be an enforcer," says Ray Cronauer, manager of Joe Allen and Orso in New York's theater district. Cronauer would not think of calling the police if someone lighted up in the wrong section: "Can you imagine them coming in here and handcuffing a smoker and then taking him out past the heroin addicts shooting up in the street?"

Enforcement may actually be a bit more effective within the privacy of people's homes, where so many ingenious weapons are available to ruthless antismokers. Inspired by the change of mood all around them, many Americans who once refrained from pressing loved ones to quit have laid down some laws of their own. Rosemarie Gran, a museum receptionist in Seattle, has banished her husband John to the back patio for his morning coffee and cigarette. When he comes back inside, the burly, 6-ft. shipyard foreman washes his hands, runs a Baby Wipe across his mustache and only then gives Rosemarie a good-morning kiss.

Gran admits he would rather smoke at the dining-room table, but he knows the law: the patio is the only designated smoking area in his household. "It's really tough, and it irks me sometimes," he says. "But I've realized that as a smoker, I'm low on the totem pole right now. So I'm the one doing the accommodating."

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Children of smokers often make the most relentless adversaries. Packs of cigarettes disappear mysteriously, and candy ones appear in their place. "My kids have been on my case for years," says Lawyer Paul Migdal of Marina del Rey, Calif. When his daughters were six and four years old, they presented him with a shadow box: scattered among the compartments were a cigarette, a skull and crossbones, and a little Superman figure with the caption "You're a super dad if you don't smoke." It still took Migdal more than a decade to quit, with his daughters -- by then living away from home -- cheering him on through daily cards and long-distance telephone calls. "I quit because I was tired of being an outsider, of being in this new minority group," Migdal says. "But the reason I know I won't start again is that I'd be afraid to have to tell my kids that I had another cigarette."

Among friends and lovers too, the peer pressure to quit smoking is heating up. Sharon Gary, 29, a nurse from Marina del Rey, finds the men she dates less tolerant than before. "If I go out to dinner with someone, I always ask if it's O.K. to smoke, and I've learned to expect that the answer will be no." Companions on a sailing trip threatened to throw her cigarettes overboard. "Eventually you've been insulted so much that you just stop caring about being polite," she says. "People make you feel like you've got some filthy habit."

That attitude certainly reigns in some precincts of the singles scene, particularly those frequented by sweet-breathed, clear-eyed yuppies who jog at dawn to keep their lungs pink. "When I go to bars with a group of girls, we sneak out to the parking lot to have a cigarette because we don't want guys to see us smoking," says Cynthia Ferguson, 26, a newspaper-advertising executive from Pasadena, Calif. "It's got to the point that whether someone will go out with you can depend on whether or not you smoke." Some have even made willpower a precondition for matrimony. Laurie Panek, a former probation officer who lives in Atlanta, fell in love with an adamant nonsmoker. "He told me the day I quit would be the day we would be together," she says. "He didn't want to see me ruin my health. I was more or less humiliated into it."

High school and junior high students are the most susceptible of all to the lure of cigarettes, which seem to them an emblem of adulthood. Most smokers start before age 19, 60% by 14. But while more than a quarter of all high school seniors smoked a decade ago, the figure is now around 18% and falling. "The whole thing is turning around," maintains Anne Keppler, 42, a secretary at Pioneer High School in Ann Arbor, Mich. "When we were growing up, anyone who was anybody smoked. Now the nonsmoking kids, who are the vast majority, look down on the kids who do. They're the outsiders. They're the burnouts."

Though the odds are running against them, embattled smokers retain some powerful allies. Tobacco companies continue to fight back through well-funded promotional campaigns, congressional lobbying and in the courts, where they have yet to lose a liability case. Civil libertarians are taking up the fight against antismoking laws, which they see as an infringement of personal freedom. As more and more people are forced to take sides, the rhetoric tends to become more divisive. "It won't just be smoker vs. nonsmoker," predicts Law Professor Garner. "If the tobacco industry is successful, it will be along class lines, white vs. black, majority vs. minority."

Some people who have managed to quit are standing by their former fellow puffers. Sharon Fischer, controller of a medical-journal publishing company in New York City, smoked three packs a day for 30 years until she gave it up two

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years ago. But she was stubborn about her rights then and is stubborn now. "When I smoked, I wouldn't put my cigarette out," she says. "If I was in a restaurant where people would fake a cough if I lit up, I would blow the smoke at them." Fischer has no patience with the antismokers. "I think people have the right to smoke. First, society hooked you -- it was very acceptable to smoke when I was eleven -- and then society changed its mind."

There are those who argue, of course, that smoking around nonsmokers was always rude. It was just not illegal. But in a sense, Fischer has a point. Even a few years ago, the present revolution in thinking and manners would have been unimaginable. America has always -- always -- smoked. In 1492 Christopher Columbus discovered tobacco, among other things, when he became acquainted with the natives who "drank smoke." Many Southern colonists grew rich when Europe got hooked. It even helped finance their freedom. "If you can't send money," George Washington told the home front, "send tobacco."

For two centuries, tobacco remained a staple of American life. Cigarettes' image of sophistication curled through popular culture, especially the movies, which taught viewers that they could look like Lana Turner or Marlene Dietrich or Humphrey Bogart by lighting up. Edward R. Murrow interviewed guests through a cloud; tycoons fueled deals with cigars. Without smoking, it seemed, great detectives could not detect, writers could not write, lovers could not languish, heroes were deflated and vamps declawed.

Consider how the image has changed. One of the last smoking TV heroes was Don Johnson's ice-cool cop, Sonny Crockett, on Miami Vice, and they -- actor and character -- have conspicuously quit. One of the latest movie sirens to light up was Glenn Close in Fatal Attraction: the cigarette seemed a beacon of her madness. "For a long time, we saw Bette Davis' sitting at the bar smoking a cigarette as sexy," observes Robert Rosner of the Smoking Policy Institute in Seattle. "But then, as a society, we got close enough to smell her breath, and we realized it wasn't sexy at all." For society to have changed its mind so extensively, so quickly, marks the triumph of a crusade that actually began generations ago. As long as there have been smokers, there have been those who would snuff out the habit. A cigar, said Editor Horace Greeley more than a century ago, is a "fire at one end and a fool at the other." Justice Oliver Wendell Holmes passed along some memorable ammunition to 19th century schoolchildren:

Tobacco is a filthy weed,
That from the devil does proceed;
It drains your purse, it burns your clothes,
And makes a chimney of your nose.

Concerns about health were always at the heart of the antismoking movement. Victorian women were warned that they would become sterile, grow a mustache or come down with tuberculosis if they dared to light up. Yet it was not until the Surgeon General's 1964 report linking cigarettes to cancer that health officials won their point. Warning labels appeared on packages after 1965, ads were pulled from television and radio in 1971, and four years later, Minnesota passed the first comprehensive clean-indoor-air law. Smoking continued to taper off throughout the 1970s. Even then, however, people were content to live and let

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smoke: the public spirit of laissez-faire survived every attempt by health officials to reclassify cigarettes as a hazard rather than a nuisance.

All that changed with Surgeon General C. Everett Koop's explosive report on the effects of passive, or involuntary, smoking, released in 1986. Koop's review, which coincided with a study by the National Academy of Sciences, reported that pregnant women who smoke are more likely to miscarry, while children of smokers suffer more bronchitis, pneumonia and other respiratory illnesses. The NAS study found that nonsmoking spouses of smokers face a 25% greater risk of contracting lung cancer than do spouses of nonsmokers. "It pulled together all that we had known for decades," says Mark Pertschuk of Americans for Nonsmokers' Rights, "and changed the question from Do we have enough evidence to take action? to Why aren't we doing more?"

Koop's report galvanized antismokers, who until then had limited their weaponry to burlesque wincing and conspicuous coughs. "After having had smoke blown in their faces for years when smokers ruled," says Rosner, "the asthmatics are finally having their day." And not only asthmatics. Opera Singer Marjorie Kahn was married to a smoker and "hated it. I screamed all the time. I'm divorced from him now." Kahn's attitude toward smokers remains unyielding. "If they want to kill themselves, they should do it in private and not pull down someone else with them."

Smokers know, of course, that it is not quite that simple. "You can't blame people for not wanting to breathe smoke," says Kay Michael, a reporter for the Charleston (W. Va.) Daily Mail, "but I wish the antismokers would try to understand that there is a physical addiction here. They seem to think we smoke just to mess up their air or something." Next month Surgeon General Koop will release a major report on nicotine that will detail the nature and seriousness of the physical addiction. Most experts now agree that cigarettes are every bit as addictive as drugs or alcohol. "Smoking a cigarette is like free-basing nicotine," says Dr. Joseph Frawley, chief of staff at Schick Shadel Hospital in Santa Barbara, Calif. "And for some people, it is virtually impossible to quit."

The new findings help explain behavior among smokers that would otherwise defy all reason. "If you tell cocaine users that if they don't stop, their leg will be cut off, most will stop," observes Dr. Jerome Jaffe, director of the Addiction Research Center at the National Institute on Drug Abuse. "After smokers have a lung operation, bypass surgery or a heart attack, about half continue smoking." A. Burton Bradley, who runs a stop-smoking clinic in Atlanta, has seen his share of hard-core addicts. "You would be amazed at the people who have had their larynx removed," he says, "and who put cigarettes in the tracheotomy hole in the hospital."

CNN Talk-Show Host Larry King, 54, smoked two packs a day from the age of 18. In February 1987 he had what he calls his "lucky" heart attack. He smoked on the way to the hospital. But after three days in intensive care, he says, he made a pact. "I said to myself, 'If you survive, you will never smoke again.'" He too is amazed at others who react differently. "When Martin Sheen visited me, he was smoking again after his heart attack, and I asked why. He said, 'It is my friend it is always there and doesn't pass judgment.' I said, 'Your friend is going to kill you.'"

Since nearly all smokers have tried and failed to give up their habit, they are well aware of the pain of withdrawal. Quitting is estimated to be a \$100 million-a-year industry, and yet very few smokers succeed on the first try, or

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even the second or third. The relapse rate is comparable to that of heroin; most do not last even a year. All across the country, as deadlines for still more laws approach, there are households full of people drinking lots of water, gnawing licorice, knitting feverishly, gripping pencils, breathing deeply, or gift-wrapping their cigarettes to make smoking as inconvenient as possible. Last week in New York City, calls to the American Lung Association from smokers asking about quitting techniques doubled.

Many would-be quitters discover that they cannot concentrate without their cigarettes; others get depressed, gain weight, or acquire a new addiction -- such as nicotine gum. "I know a guy who started chewing Nicorettes," says Cartoonist Mell Lazarus, "and now he smokes and chews Nicorettes." Beatrice Burstein, a justice of the New York Supreme Court, was a three-pack-a-day smoker for 50 years. She quit three years ago, though now she is hooked on the gum. "I can't sit on the bench and chew, so I chew in my chambers," she says. "I'm ashamed of the habit, so I tell lawyers I must chew because I just quit smoking. I even swim laps with a Nicorette in my mouth."

The incentive to quit is bound to grow over the next year. Signs that the antismoking momentum is building are everywhere. A bill is pending before Congress that would ban all print ads for tobacco products, an ambitious proposal in light of the fact that even in the absence of radio and television commercials, cigarettes are among the most heavily marketed consumer products. Senator John Chafee of Rhode Island proposes doubling the federal excise tax on a pack of cigarettes, to 32 cents. New Jersey Senator Bill Bradley, a founder of Athletes Against Tobacco, wants to end cigarette companies' eligibility to claim advertising costs as a tax-deductible business expense.

In time, as the laws and the public pressure become overpowering, some holdout smokers may finally find the willpower to lay down their packs for good. How many remains to be seen. "There is one school of thought that says we are now down to the hard-core smokers -- the mild smokers have dropped off," says Adele Paroni of the American Cancer Society. "But there is another school of thought that says the percentage will just continue to decline to nearly zero." In the meantime, the war goes on. And since even wars have rules, the best short-term hope is that sanctimonious nonsmokers will learn sympathy, and adamant smokers will learn courtesy, and an air of understanding will ease the discomfort on both sides.

GRAPHIC: Picture 1, NO CAPTION, Illustrations for TIME by Arnold Roth; Picture 2, NO CAPTION, Illustrations for TIME by Arnold Roth; Picture 3, NO CAPTION, Illustrations for TIME by Arnold Roth; Picture 4, NO CAPTION, Illustrations for TIME by Arnold Roth; Picture 5, NO CAPTION, Illustrations for TIME by Arnold Roth

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April 24, 1988, Sunday, Late City Final Edition

SECTION: Section 4; Page 1, Column 1; Week in Review Desk

LENGTH: 1243 words

HEADLINE: Smoking Becomes 'Deviant Behavior'

BYLINE: By LAURA MANSNERUS

BODY:

It was cause for a libel award when a Chicago television commentator said in 1981 that the Brown & Williamson Tobacco Corporation was trying to snare teen-agers with advertisements relating smoking to drugs, alcohol and sex. The idea, the commentator had said, was to present cigarettes as "an illicit pleasure."

Whether the industry meant to send the message or not, illicit is what cigarettes have become.

"Smoking is quickly becoming a deviant behavior," said Barry Glassner, a sociology professor at Hunter College and Syracuse University. "It's not just seen as something that's unhealthy or irrational."

The recent pace of regulation has surprised even the antismoking organizations.

According to Action on Smoking and Health, an advocacy group, 23 states restrict smoking in restaurants, up from 14 a year ago, and 15 have regulations for private workplaces, up from 10 a year ago. More than half of American companies restrict smoking on the job. There are hundreds of municipal ordinances. New York's, which took effect April 6, is fairly typical of the new ones; it bans smoking in most enclosed public places and segregates smokers in restaurants and workplaces. As of yesterday, the Federal Aviation Administration prohibits smoking on flights of two hours or less, and Northwest Airlines forbids smoking on all its North American flights.

There are less official signs of disapproval, too. Corporate annual reports never picture the executives with cigarettes anymore, one consultant noted. The cover of this month's Reader's Digest asks, "Is Smoking Ruining Your Sex Life?"

"In the last two years we've made more progress than in the previous 30," said Robert A. Rosner, executive director of the Smoking Policy Institute in Seattle, a nonprofit group that advises employers. The reason given most frequently for the change is new data on passive smoking, described in a 1986 Surgeon General's report and in another 1986 report by the National Research Council, which estimated that ambient smoke might cause 2,400 lung cancer deaths annually among nonsmokers.

"The one humongous issue is that the average person can justify harming themselves, but can't justify harming somebody else," Mr. Rosner said.

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Some sociologists see something more complicated at work. Professor Glassner, the author of a forthcoming book on attitudes about fitness and health, finds a "craving for control" reflected in all kinds of worries about the body.

"There are so many dangers that are large scale and that we feel we have no control over, particularly in the environment, that this is a way to gain control," he said.

Peter L. Berger, a Boston University sociologist, calls the New York ordinance a "viable democratic compromise" but casts the controversy in terms of class. "It's not surprising that the upper-middle-class agenda has been successful," he said, adding that the wave of regulation is a "delightfully close rerun of Prohibition."

While hesitating to judge the evidence on passive smoking, he said it appeared to be "much, much weaker" than that on active smoking. "The reason it's become so important," he said, "is not because of the weight of the evidence but because of the ideological usefulness of the idea."

"Most people are not in a position to evaluate this evidence. What people believe comes from placing faith in a certain authority. People say, 'The Surgeon General said so.' Well, who's the Surgeon General?"

Professor Glassner, who noted that he "hates" smoke, said, "There is a cost involved in smoking bans. You're taking away a group's prerogatives. This is a country in which we value individual freedoms, and we ought to be extremely careful about which ones we take away."

A libertarian strain persists even among nonsmokers. Dave Brenton, president of the Smoker's Rights Alliance of Mesa, Ariz., said about 20 percent of the group's 700 to 800 members are nonsmokers. "They understand that it's an individual rights issue," he said. "Who knows what they'll take away tomorrow?"

But Mr. Rosner said most restrictions do not keep smokers from maintaining their habit. "My term for this is '80's-style temperance," he said. "Smoke all you want - just don't do it in public places."

Indeed, anti-tobacco forces have known fiercer days. In early New England, blue laws penalized public smoking. Prohibition revived the sentiment; between 1920 and 1930, even as per capita consumption doubled, several states prohibited the sale of tobacco.

Respectability came with World War II, when cigarettes were included with K-rations, and it was not until the mid-1960's - the first Surgeon General's report on smoking was issued in 1964 - that the decline began. In 1966, according to the Federal Centers for Disease Control, 42.2 percent of the American population smoked; in 1986, 26.5 percent did.

After the 1964 report, popular images of smoking changed, too. Cigarette ads were purged from the airwaves, "Thank You for Not Smoking" signs appeared, and Humphrey Bogart and John Wayne died of lung cancer.

Smoking, Education and Income

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Clearly, the message has had the greatest effect among the upper-middle class. There is a strong negative correlation between smoking and income and education, though not much difference by race: According to the Centers for Disease Control, 28.4 percent of blacks and 26.4 percent of whites are smokers.

In the current climate, smokers have been generally compliant. John M. Pinney, executive director of the Institute for the Study of Smoking Behavior and Policy at Harvard University, said its surveys of attitudes about the Cambridge, Mass., ordinance showed very little desire for confrontation.

'We're a very individual-minded nation in many ways,' he said, 'but we also tend to seek permission for the things we want to do.'

Most experts do not predict the eradication of smoking, not even in public places, but expect it to become less and less acceptable. 'If this pattern continues,' said Professor Glassner, 'we'll have a homogenized population in which everybody will be within the recommended weight ranges, and nobody will smoke anymore, and nobody will drink, and everybody will work out.'

'As I say this,' he added, 'I realize some people think this would be an ideal society.'

AMERICA'S SMOKERS

By education and income (1987)

(percentage who say they smoke)	Education	Not high school graduates 32%
High school graduates 33	Some college 29	Four-year college graduates 18
Household income \$7,500 or less 32%	\$7,501-\$15,000 38	\$15,001-\$25,000
31	\$25,001-\$35,000 27	\$35,001-\$50,000 23
		\$50,001 and over 23

(Source: Louis Harris survey for Prevention Magazine)

BY AGE, SEX AND RACE (1986)

(percentage who say they smoke)

MEN			
Age	White	Black	Total
17-24	26.0%	14.3%	24.4%
25-34	32.4	45.9	33.6
35-44	37.4	36.4	37.1
45-64	30.0	35.6	30.5
65 and over	16.0	26.6	16.7
Total	29.3	32.5	29.5

WOMEN			
Age	White	Black	Total
17-24	22.7	16.0	21.5
25-34	29.1	30.9	29.2
35-44	27.6	36.4	28.7
45-64	25.2	26.7	25.1
65 and over	12.4	8.3	12.0
Total	23.7	25.1	23.8

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(c) 1988 The New York Times, April 24, 1988

(Source: Centers for Disease Control)

GRAPHIC: Photo of 1936 magazine advertisement for cigarettes (pg. 1); graph of number of people who say they smoke, broken down by education and income (Source: Louis Harris survey for Prevention Magazine); also by sex, race, and total (Source: Centers for Disease Control); cartoons

SUBJECT: SMOKING

NAME: MANSNERUS, LAURA

GEOGRAPHIC: UNITED STATES

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LEVEL 1 - 20 OF 55 STORIES

Tulsa World;
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Business Dateline; Copyright (c) 1988 UMI/Data Courier
May 23, 1988

SECTION: Vol 83; No 250; Sec A; pg 1

LENGTH: 916 words

HEADLINE: Weeding Smokers Out of the Workplace

BYLINE: Bernadette Pruitt

DATELINE: Tulsa; OK; US

BODY:

Smoking could be a hazard to your career.

More Tulsa companies are going beyond smoking bans and giving hiring preference to non-smokers.

At Tempo Enterprises, a distributor for cable television programming, applicants who answer the smoking question affirmatively simply aren't interviewed.

United Video, a cable programming distributor going smoke-free June 1, poses the same question to applicants. To those who say yes, the company is inclined to say no.

The Tulsa Fire Department hires only non-smoking trainees.

Oral Robert University doesn't hire smokers.

"Being a smoker is becoming more and more of a disqualifier in management and executive positions," said Morey Villareal, president of Villareal and Associates, a management consulting firm.

Villareal, who helps companies evaluate and select people for positions, said companies are increasingly specifying a preference for non-smokers.

"Some are very direct about it, to the extent of putting it in ads," he said. "Much more often than not, companies state a definite preference for non-smokers."

Company smoking policies are becoming increasingly common and corporations want managers who create a good impression, he said.

"More and more among managers and executives, there's the view that smoking is negative," he said. "It's more than being a pollutant in the workplace. It reflects negatively on a person's intelligence and self-discipline. If you're an up-and-comer in an organization, being a smoker is not going to help."

The smoking question appears on applications at Tempo Enterprises.

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Tulsa World (c) 1988 UMI/Data Courier

Applicants who smoke aren't interviewed, said Sarina Klaver, director of corporate communications, but none has complained.

"It has become a much more popular issue in recent years and as long as you're up front with people from the start, there are no problems."

The company's smoking ban has been in effect since 1983, when workers complained about sidestream smoke. The company's non-smoking management, concerned about higher medical bills, insurance costs, and absenteeism associated with smokers, ultimately banned smoking not only in the building but on the premises, she said.

A health-conscious management also engineered the June 1 smoking ban at United Video, said Becky Harris, a human resources employee. Harris, a smoker who is trying to quit, said "anybody who is in the position to hire has been notified not to hire smokers."

"We've kind of leaned toward those who don't smoke," said Suzanne Shepherd, director of administration and human resources. "With the smoking ban, it will be easier for people who don't smoke."

Since 1985, the Tulsa Fire Department has accepted only non-smoking trainees, administrative chief Ralph Brown said.

Would-be firemen must not have smoked in six months. If tests show evidence of nicotine, applicants are eliminated, he said.

They must also sign a pre-employment agreement not to smoke during the six-month probation period. Penalties for failure to comply range from a written reprimand to dismissal.

Brown said new firemen can smoke following probation.

"We hope that after that period of abstinence, they wouldn't," he said.

Long before any proclamations from the U.S. Surgeon General about the dangers of sidestream cigarette smoke, ORU was exclusively hiring non-smokers, said Gary Kuney, personnel director.

"It has more to do with our lifestyle," he said. "We ask people to pattern their lives after Jesus Christ."

If an applicant were a smoker, "we would probe the issue," he said.

"If someone had to smoke, they wouldn't fit into this environment."

While most organizations haven't gone as far as hiring only non-smokers, the list of area firms that ban or restrict smoking is growing, according to the American Lung Association of Green Country Oklahoma.

Smoking bans are legal, said Timothy Lowenberg, a Tacoma, Wash., labor attorney and nationally-known specialist in corporate clean-air policies.

Companies that refuse to hire smokers are also within their rights, he said.

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"The right to ban smoking is based upon common law doctrine that predates the turn of the century," he said. "Employers can control employees' activities during the work day."

If smokers and nervous personnel specialists think smoking bans smack of discrimination, they're right, Lowenberg said.

"Yes, it is discrimination, but it's like the policy stating you can't drink at work or use controlled substances. It's discrimination, but it's not unlawful."

The right of an individual to smoke in a public environment is superceded by the public's right to clean, healthy air, he said.

Lowenberg, general counsel for the Smoking Policy Institute, Seattle, Wash., said companies are "historically well within their rights" to reject applicants who smoke. But the recent pronouncement of U.S. Surgeon Gen. C. Everett Koop that nicotine is addictive could muddy those legal waters.

"Users might be able to claim handicapped status because of their addiction," he said. Discrimination against handicapped workers is illegal.

Lowenberg, who helped draft smoking bans at U.S. Public Health Service Indian Hospitals, including those in Oklahoma, predicted there will be court cases clarifying that issue.

In the meantime, employers who haven't instituted worksite smoking controls may be exposing themselves to significant liability.

"The greatest risk is for a company to do nothing to uphold the health and safety of its employees," he said.

SUBJECT: Employment policies; Smoking; Discrimination; Southwest

NAME: Timothy Lowenberg

GEOGRAPHIC: Southwest Region; Tulsa; OK; US

LOAD-DATE-MDC: February 1, 1990

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LEVEL 1 - 19 OF 55 STORIES

Copyright (c) 1988 Chicago Tribune Company;
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June 15, 1988, Wednesday, SPORTS FINAL EDITION

SECTION: BUSINESS; Pg. 1; ZONE: C

LENGTH: 927 words

HEADLINE: COURT RULING HEATS UP SMOKING WAR

BODY:

Tobacco industry forces on Tuesday dismissed claims that a court decision blaming a cigarette manufacturer for a woman's premature death marked a turning point in the industry's continuing battle against more regulation.

The industry, inured by a quarter century of negative publicity that began with the requirement to include health warnings on its products, quickly launched an offensive against further legislative and legal onslaughts.

At a New York City press conference, industry lawyers attacked the impartiality of the judge in the four-month trial and argued that greed drove the attorneys who had sued the \$35 billion a year industry.

But antismoking activists plotted their own strategy, including seeking further limitations on cigarette advertising and promotion; establishing more laws banning smoking in public places and more restrictions on smoking at work; and bringing more suits against the tobacco industry.

The posturing by both sides was prompted by a decision Monday by a federal jury in Newark, N.J., who said the Liggett Group had misled the public into thinking cigarette smoking was safe in its pre-1966 advertising for its L&M and Chesterfield brands. The jury awarded \$400,000 to Antonio Cipollone, whose 58-year-old wife, Rose, died in 1986 of lung cancer.

Wall Street had its own opinion of the decision. Tobacco stocks plunged Tuesday, with Liggett Group falling 50 cents a share to \$7.62; Philip Morris Cos. Inc., the nation's biggest tobacco company, falling \$1.75 to \$83.25; Loews Corp., parent of Lorillard, slipping 25 cents to \$65.12; and RJR Nabisco Inc. dropping \$1 to \$47.

The stock market's short-term chest X-ray of the tobacco industry is in line with the long-term prognosis from the antismoking movement.

"The decision is another step toward the demise of cigarette smoking as acceptable behavior," said Elizabeth M. Whelan, executive director of the American Council on Science and Health. "It was bad news for the credibility of the cigarette industry, which is practically nil anyway."

The Cipollone case hinged on the ad slogans used by Liggett in the late 1950s. The company's ads claimed smoking L&Ms was "just what the doctor ordered." Chesterfield smokers were advised to "play safe, don't change."

In a deposition taken before her death, Mrs. Cipollone said that "through advertising, I was led to assume they were safe and they wouldn't harm me."

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(c) 1988 Chicago Tribune, June 15, 1988

Just such unclear advertising will give impetus to congressional efforts to restrict ads, said Rep. Thomas Luken (D, Ohio). Bills that would ban advertising and promotion of cigarettes, limit them to the tombstone format used in financial ads or create a "fairness doctrine" for print media that accept cigarette ads are pending before the House Energy and Commerce Committee's Subcommittee on Hazardous Materials.

Luken, who heads that subcommittee, also has introduced a bill that would substantially alter the cigarette labeling act of 1966.

That law required the hazardous warning label on every package of cigarettes and on all cigarette ads. In 1971, the law was expanded to ban all ads from the public airways.

Luken's proposal "won't ban advertising, but it will hit them where it hurts. It would make them liable for any false and misleading advertising" used after 1966, he said.

The law limited the Cipollone case to pre-1966 advertising, Luken said. He said such current ads as the "lowest tar" ones, for example, could be interpreted to imply that some cigarettes are safer than others.

Sen. Bill Bradley (D., N.J.) is sponsoring a bill that would eliminate cigarette advertising as a business tax deduction. If passed, the bill could cost the industry as much as \$1 billion per year.

The cigarette industry, which spent \$2.38 billion on ads and promotion in 1986, including \$119 million on newspaper advertising, downplayed the escalating threats.

"We have no contingency plans for the ending of advertising," said David Fischel, a spokesman for RJR Nabisco. "Our ads are intended for competitive switching. If you prohibit ads, it hurts the consumer. How will they learn about new products?"

Wall Street analysts could see a silver lining in the smokeless clouds being blown over the tobacco industry by its opponents. "A complete advertising ban would be wonderful," said Roy D. Burry, analyst at Kidder Peabody. "It would save them 25 percent of their pre-tax earnings. It's a method of competition between companies that won't affect total demand."

John Banzhaf, executive director of Action on Smoking and Health and a law professor at George Washington University, said that the documentation that came out of the case is persuading many legislators to support more antismoking measures. Forty-one states have passed smoking restrictions, and 12 restrict smoking in private workplaces.

The number of jurisdictions with antismoking laws is growing rapidly. Chicago and New York recently passed stringent antismoking measures, though Illinois rejected such a move.

The antismoking movement in the workplace also is picking up steam. The last two surgeon general reports on smoking, which branded the habit as addictive and said it threatened nonsmokers who breathed smoke-filled air, have turned the tide, said Robert A. Rosner, executive director of the Smoking Policy

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(c) 1988 Chicago Tribune, June 15, 1988

Institute, a nonprofit group that advises employers on how to adopt antismoking policies.

"Half the businesses in the country have some type of policy, and they're getting stronger," he said.

TERMS: REACTION; INDUSTRY; COURT; DECISION; LAWSUIT; LAW STATISTIC; COST;
FINANCE

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LEVEL 1 - 18 OF 55 STORIES

Proprietary to the United Press International 1988

October 12, 1988, Wednesday, BC cycle

SECTION: Financial

DISTRIBUTION: Texas

LENGTH: 152 words

DATELINE: HOUSTON

KEYWORD: Enron

BODY:

Enron Corp. plans to ban cigarette smoking in its downtown Houston offices effective Jan. 1, 1990, Enron spokesman Randy Blauvelt said Tuesday.

Companies with smoke-free or nearly smoke-free work places include Pacific Northwest Bell, Boeing, Campbell Soup Co., Federal Express and Ralston Purina, the Smoking Policy Institute has previously reported.

Enron's future smoking ban has prompted no complaints so far from the 500 smokers among the company's 3,000 Houston employees, Blauvelt said. Enron plans to extend the ban to its other 4,000 employees across the country after it arranges smoking cessation classes in those field offices.

About 54 percent of U.S. companies have some form of restrictions on smoking, but few have a complete ban like Enron's, said Joann Schelenbach, spokeswoman for the American Cancer Society.

Enron operates 38,000 miles of natural gas pipeline in the United States.

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LEVEL 1 - 16 OF 55 STORIES

The Associated Press

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November 30, 1988, Wednesday, AM cycle

SECTION: Washington Dateline

LENGTH: 269 words

HEADLINE: Seattle Smoking Foe Cited By Koop

BYLINE: By JERRY ESTILL, Associated Press Writer

DATELINE: WASHINGTON

KEYWORD:

Koop-Smoking

BODY:

Surgeon General C. Everett Koop presented his office's highest award Wednesday to the surprised director of the Smoking Policy Institute, a not-for-profit organization based in Seattle.

Robert A. Rosner said he was in Washington to consult with officials of the Environmental Protection Agency and accepted Koop's invitation to drop by for what he thought was a courtesy call.

Instead, Koop had arranged for a television film crew to record the presentation to Rosner of the Surgeon General's Medallion.

Rosner said afterward that Koop had encouraged him to form the institute after the two worked together on some anti-smoking video tapes in 1985.

During the presentation, Koop said Rosner had a special ability to "go into the workplace and get people to accept no-smoking rules and, more importantly, to like it."

Rosner said his institute, which exists mostly on foundation grants and contributions, has worked with about 400 private companies to develop plans to eliminate smoking in the workplace.

He said he attributes his success largely to having a "great deal of empathy and concern for the way smokers get treated in this society."

"There are two kinds of serious pollution in this country," said Rosner, who added that he has never been a smoker himself. "One is air pollution from the ends of lit cigarettes and the other is noise pollution from the mouths of non-smokers."

Rosner's empathetic approach - "We don't present it in a value-laden context" - is reflected in a booklet his institute has just completed for Blue Cross and Blue Shield, which expects to distribute 1 million copies.

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LEVEL 1 - 15 OF 55 STORIES

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January 6, 1989, Friday Transcript #3340

LENGTH: 9140 words

HEADLINE: Pentagon Probe;
Iran-Contra Case;
Kids and Smoking

BYLINE: In New York: ROBERT MAC NEIL; In Washington: JAMES LEHRER; GUESTS: HENRY E. HUDSON, U.S. Attorney; LYLE DENNISTON, Baltimore Sun; JOHN NIELDS, Attorney; PATRICK KORTEN, Heritage Foundation; CORRESPONDENTS: LEE HOCHBERG; CHARLAYNE HUNTER-GAULT

BODY:

MR. LEHRER: Good evening. Leading the news this Friday, the first indictments and guilty pleas came in the Pentagon bribery case, the nation's unemployment rate fell to 5.3 percent, and Emperor Hirohito of Japan is dead. We will have the details in our News Summary in a moment. Robin.

MR. MAC NEIL: After the News Summary we look at the Pentagon fraud indictments and guilty pleas in a News Maker interview with special prosecutor Henry Hudson. Next, what it means that conspiracy charges against Oliver North have been withdrawn in the Iran-Contra case. Joining us are Lyle Denniston of the Baltimore Sun, former Iran-Contra Counsel John Nields, and former Justice Department Spokesman Patrick Korten, and finally a look at the reign of Emperor Hirohito of Japan who died today.

NEWS SUMMARY

MR. LEHRER: The government took the first major actions today in the Pentagon bribery scandal. The targets were a Navy procurement employee, two private consultants, plus two defense contractors and their employees. They were charged in Alexandria, Virginia, with crimes ranging from bribery and theft of government privacy to conspiracy and racketeering. The Navy official is Stuart Berlin. The consultants are William Parkin and Fred Lackner. They allegedly worked to provide inside information on Navy contracts to Teledyne electronics and the Hazeltine Corporation. Teledyne and three of its employees were indicted today. A fourth entered a guilty plea. Hazeltine and three of its former employees also entered guilty pleas. U.S. Attorney Henry Hudson told a news conference he hoped the charges would have a chilling effect on the defense establishment.

HENRY HUDSON, U.S. Attorney: The citizens of the United States, I believe, have an absolute right to the honest services of public officials, and when individuals are receiving money for violating rules and regulations, passing confidential information, I think it strikes at the very heart of the procurement process. With the pleas of guilty today and the cases that develop in the future, I believe that we'll have the type of deterring effect that we need to ensure and insure in the future that there is integrity in the process.

MR. LEHRER: John Tower was listed in good condition today at a Dallas hospital. Tower, a former U.S. Senator from Texas, is President-elect Bush's choice for Defense Secretary. The Associated Press said Tower had a cancerous

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polyp removed from his rectum last week. A second polyp believed to be benign was removed yesterday. Hospital officials said they expected a 100 percent recovery. Robin.

MR. MAC NEIL: At the United Nations, the United States strongly disputed Soviet claims that U.S. Navy pilots had no reason to shoot down two Libyan jets earlier this week. The Soviet representative called the U.S. claim that the Navy pilots acted in self-defense completely unfounded. U.S. Amb. Vernon Walters brought photographs which he said proved the Libyan jets were not unarmed as Libya claimed but were equipped with air to air missiles. Walters opened his remarks with a reference to the many nations that have criticized the U.S. during the Security Council debate on the issue.

VERNON WALTERS, U.S. Ambassador To U.N.: In the last two days, we have heard some intemperate statements which demand comment. The United States is not really disposed to receive lessons on terrorism from a nation like Sandinista and Nicaragua. Nor is it ready to be taught the norms of international behavior by nations governed by various forms of military or civilian one party dictatorships. At the outset, it was claimed that the Libyan planes were unarmed. We have photographs that prove the planes were armed. The military, the missile pods are clearly visible on these photographs. I will pass these photographs around so everybody can see for themselves whether there were or were not missiles on these aircraft which have been claimed to be unarmed. The missile pods show quite clearly there were two different types of missiles on the aircraft hanging from the aircraft's wings and hanging from the underpart of the fuselage.

MR. MAC NEIL: Libya's Ambassador called the photos fakes and refused to look at them when they were handed to him. In Paris, Soviet Foreign Minister Eduard Shevardnadze said the Libyan plane incident had poisoned the atmosphere at the international conference convening there to discuss chemical weapons. Secretary of State George Shultz discussed the issue of the Libyan chemical plant in Paris today with French President Francois Mitterrand. France, Canada and Egypt all reportedly told Sec. Shultz they agreed with the U.S. that Libya had built a chemical weapons factory. Britain said the same thing earlier this week and tomorrow Shultz meets with his West German counterpart to discuss the issue. West Germany complained today that U.S. allegations about German chemical weapons exports to Libya were groundless and had strained relations between the two countries. Chancellor Helmut Kohl spokesman Frederick Ost told a news conference that the Chancellor had complained to Washington. Ost said despite several requests, the U.S. had not supplied intelligence data to back up its claim that West Germans had helped Libya build a chemical weapons plant.

MR. LEHRER: President-elect Bush said today he supported the dismissal of two major criminal charges against former White House aide Oliver North. Independent Counsel Lawrence Walsh asked for the dismissal yesterday because of the unavailability of classified documents needed for the trial Bush told reporters Walsh was correct in what he did.

PRESIDENT-ELECT BUSH: I think it's the proper step and I think he properly found that there are legitimate national security interests that must be protected.

REPORTER: -- the process of the law was served --

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PRESIDENT-ELECT BUSH: I told you my position on what I think. I think he did the right thing.

MR. LEHRER: President Reagan today endorsed 50 percent pay raises for members of Congress and other top federal officials. He accepted the recommendations of a non-partisan pay commission and sent them on to Congress. Unless specifically overturned by House and Senate votes before February 8th, the measure will automatically take effect. And the nation's unemployment rate went down again in December. The Labor Department said it fell to 5.3 percent from November's 5.4. It marked the third time in 1988 it had gone to 5.3, the lowest that rate has been in 14 years.

MR. MAC NEIL: In the Pan Am Flight 103 bombing, Reuters News Agency reported that British investigators now believe the bomb was probably put aboard by a worker at London's Heathrow Airport. The agency quoted West German intelligence sources who said British investigators had told them they thought the explosives were placed in a passage connecting the cockpit with a luggage hold.

MR. LEHRER: Japan's Emperor Hirohito is dead. The 87 year old monarch died Saturday morning Japan time at the Imperial Palace in Tokyo. He had been in failing health for the past four months. Hirohito's reign began in 1926. He will be succeeded by his son, Crown Prince Akahito.

MR. MAC NEIL: That's our summary of the News. Now it's on to the Pentagon fraud case, dropping conspiracy charges against Oliver North, and a profile of Emperor Hirohito.

NEWS MAKER - PENTAGON PROBE

MR. MAC NEIL: We begin tonight with the Pentagon procurement scandal. Today the first indictments and guilty pleas came down in a two year investigation into allegations that defense contractors and consultants had bribed Defense Department officials for inside information about lucrative contracts. Today's indictment named two consultants, a Pentagon official bribed by them for inside information about a contract, and the corporation accused of buying the information and three of its employees. The indictment said the consultants bribed the Pentagon official a thousand dollars every few months for information about a Navy contract which they sold to the corporation for \$160,000. Earlier in the day, the Hazeltine Corporation, a New York defense contractor, two of its employees, and a Teledyne employee pleaded guilty on related charges of fraud. Earlier this evening I talked with the chief prosecutor in the case, U.S. Attorney Henry Hudson.

MR. MAC NEIL: Mr. Hudson, welcome.

MR. HUDSON: Thank you.

MR. MAC NEIL: Can you tell us in simple story terms what it is you are alleging against the people who were indicted today and what those who pleaded guilty have done? How did it come about and how did it happen in your version?

HENRY E. HUDSON, U.S. Attorney: Okay. Well, the indictment that was returned today was a 27 count indictment that charged one corporation, Teledyne Corporation, and six individuals with a variety of criminal charges. All of them were charged with conspiracy to bribe a public official and conspiring to

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defraud the United States Government. A number of other officials were charged with actual bribery to public officials engaging in a wire fraud scheme, threat or conversion of public property and making false statements in connection with the defense procurement process. In addition, three of the defendants were charged with engaging in a pattern of racketeering activity and conspiring to violate federal racketeering laws. The indictment involves competition for a contract known as the ANAPM 424 contract. That's an identification, friend or foe, hand held transponder test set. It involved a \$100 million contract. The indictment extends from September of 1985 all the way to June the 14th of 1988.

MR. MAC NEIL: Can I just be clear? So all the charges laid today and the guilty pleas entered involved this one story of people trying to get this one contract, is that --

MR. HUDSON: No. The indictment involves this particular contract. The guilty pleas involve the UPM contract, which is also a component of the friend or foe identification system. But that was a separate and distinct contract that involved the Hazeltine Corporation. The common elements here were several of the individuals that were indicted today, Mr. Stuart Berlin, Mr. Lackner, and Mr. Parkin.

MR. MAC NEIL: Stuart Berlin is the procurement official in the Pentagon.

MR. HUDSON: That is correct.

MR. MAC NEIL: Well, are you saying that the Teledyne and Hazeltine people worked together in this?

MR. HUDSON: These were separate and distinct investigations, and as I mentioned to you, the common elements were Mr. Berlin, Mr. Lackner, and Mr. Parkin, who worked together for each of these corporations.

MR. MAC NEIL: The Teledyne defendants were also offered a plea bargain, it's reported, but refused it, is that correct?

MR. HUDSON: I'm not going to comment on any negotiations in this case.

MR. MAC NEIL: All right. The Hazeltine people who pleaded guilty today you, yourself, have agreed to cooperate.

MR. HUDSON: That's correct.

MR. MAC NEIL: That means that you are counting on them for information leading to other instances of fraud?

MR. HUDSON: Well, they will help us to further the investigation. In addition to the Hazeltine Corporation pleading guilty today, two corporate officers also pleaded guilty and they will be cooperating in the ongoing investigation.

MR. MAC NEIL: Do you expect this investigation to result in charges or pleas by people higher up in the Pentagon than is the case so far?

MR. HUDSON: Well, obviously, that's a frequently asked question of me, but I'm not prepared at this point comment on who may or may not be touched by this investigation. We're charging forward and I think in the months that ensue

LEXIS NEXIS LEXIS NEXIS

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you're going to see additional action in this case.

MR. MAC NEIL: Well, let me put to you something you told the Washington Post last week. "It's never been my contention that the first indictment will represent the strongest or most serious case emerging from this investigation.". That suggests you have stronger, more serious cases still to emerge, is that correct?

MR. HUDSON: There are other cases we are working on. This is a continuing investigation and as I told the Washington Post last week, the indictment you saw today was the first one we had prepared to my satisfaction, the first one I thought we were prepared to go forward on, and that's why we asked the grand jury to return this indictment.

MR. MAC NEIL: But not the most serious or the strongest case?

MR. HUDSON: I don't believe this is going to be the most serious case to emerge from this investigation, no, sir.

MR. MAC NEIL: So would it be fair for one to infer from that that bigger fish and more companies will be involved in further parts of the investigation?

MR. HUDSON: I'm not going beyond that comment, I'm sorry.

MR. MAC NEIL: Well, let me just ask you for the record, I mean, there's been speculation that the investigation would go as high as former Navy Secretary John Lehman or his key procurement deputy, Melvin Paisley. Is that likely?

MR. HUDSON: I'm not going to comment. Again, the investigation will continue, but I'm not going to forecast at this point who may or may not be charged as a result of this investigation. It's too premature and it would be improper for me to do that.

MR. MAC NEIL: What does it signify that, as some people who have observed this have said, this was a relatively quick plea of guilty in this case, what does that signify and would you comment on that?

MR. HUDSON: Well, it signifies we have a strong, well prepared case. My prosecutors have done an excellent job of putting this case together and I believe defense counsel recognized that.

MR. MAC NEIL: How long before the rest or further parts of this may unfold, will be seeing, as you call it, further activity?

MR. HUDSON: Well, I would expect that this indictment will be set for trial sometime in mid March and, of course, at that time, you'll learn more about our evidence here. I'm not going to speculate as to when our next indictments will be returned. We have a massive amount of evidence in this case. The last time I checked with the FBI evidence custodian, we had well over a million documents. We have two years of tapes, we have hundreds of people that are being interviewed, and it's a long complicated process in putting one of these cases together. If you compare the pace of this case with others, you'll find we're moving at a very good speed.

2022875435

LEXIS NEXIS LEXIS NEXIS

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MR. MAC NEIL: When the case came to light last summer after an investigation that had gone on for nearly two years --

MR. HUDSON: Well, that's not correct.

MR. MAC NEIL: I beg your pardon.

MR. HUDSON: That's not entirely correct.

MR. MAC NEIL: What is correct?

MR. HUDSON: For two years, there were a series of electronic surveillances used. During that two year period of time we weren't conducting any investigation. We were merely listening. We did not even begin the investigative aspect of this case until June the 14th of last year. That's when we began harvesting information and putting the pieces together.

MR. MAC NEIL: Well, when that part of it became public last summer, you -- I'm not sure whether you or some other one of the prosecutors involved -- said this was the biggest, most massive, most widespread investigation of alleged fraud in the Pentagon ever in that department. Since you've been pursuing your investigations over the last six months, have the ramifications gone further, is it smaller, is it bigger, how would you characterize what you're finding as you go further into it?

MR. HUDSON: Well, you stated what my initial impressions were back in June, and I don't retreat from that position at all today.

MR. MAC NEIL: I see, but has it got any more elaborate or any further -- in other words, has it become more complicated and has it gone further than you at first thought from the evidence you had available to you when you began investigating last summer?

MR. HUDSON: Well, I won't comment on whether or not it has gone further than I originally forecast, but I will tell you that in many respects, it is more complex than we thought it would be. These contracts are very complicated. We're dealing with a tremendous morass of documents here and for investigators and prosecutors to go through them and identify pertinent parts, connect them with various parts, is a massive undertaking, and it's taking a lot of time.

MR. MAC NEIL: Have you come to any conclusions, yourself, about whether such fraud is endemic to the system, or something in the system of procurement invites such activity?

MR. HUDSON: Well, I don't believe that our investigation has developed to the point where I could make those types of observations, but I will say this. This investigation focus on a very small part of the defense procurement process. I think the majority of the men and women in the Department of Defense involved in procurement are honest, decent people. A small segment of them appear to be engaged in unlawful and corrupt practices. That's what this investigation is all about, and I hope as a result, this will be able to cure it.

MR. MAC NEIL: Have you come to any conclusion about whether the system as it is now would be less open to fraud or less, present less of an invitation to fraud, if it were organized differently, the procurement process?

LEXIS NEXIS LEXIS NEXIS

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MR. HUDSON: There is a possibility that at the conclusion of this investigation, we may have some recommendations in that area, but those investigations will be conveyed to the proper authorities by people at the Department of Justice.

MR. MAC NEIL: Well, Mr. Hudson, thank you very much for joining us.

MR. HUDSON: Thank you.

MR. LEHRER: Still to come on the Newshour tonight, dismissing charges against Oliver North, why teenagers smoke, and a look back at Japan's Emperor Hirohito.

FOCUS - IRAN-CONTRA CASE

MR. LEHRER: Next, the move to dismiss two important Iran-Contra charges against Oliver North. Independent Prosecutor Lawrence Walsh made the move yesterday, saying problems over the use of classified documents made it impossible to proceed. Twelve other charges against the former White House aide would remain in force, with his trial still set to begin January 31st. We look at this latest development in the legal saga of Oliver North with the former chief counsel of the House Iran-Contra Committee, a former Justice Department official, and a newspaper reporter who has been covering the story. That reporter is Lyle Denniston, Legal Correspondent for the Baltimore Sun, and he is first. Lyle, take me through the decision, Walsh's decision. How did he arrive at that?

LYLE DENNISTON, Baltimore Sun: Well, it probably began even before the charges were filed by the Grand Jury last March. It began when Judge Walsh, Mr. Walsh, decided to go forward with a broad case against Oliver North. At that point he was told, even before the grand jury issued charges, by Mr. North's lawyers that if you go for this kind of a charge the only way that Oliver North can prove his innocence is to bring out a whole raft of secret material about what went on during that period of three years of covert operations.

MR. LEHRER: Now the broad charge, you mean a conspiracy charge?

MR. DENNISTON: A conspiracy charge and the charge that he stole government property by diverting the profits from the Iran arms sales to aid the Contra rebels in Nicaragua. At that point, Judge Walsh went forward with these broad charges and since that time for the past nine, nine and a half months, we have been moving towards this showdown on whether or not the government's intelligence agencies would allow Mr. Walsh on his side of the case and Mr. North's lawyers on his side of the case to use what had been classified information as evidence in the trial, Mr. Walsh to use some of that data to use some of that data to prove his charges, Mr. North to use some of that data to prove his innocence. And the intelligence agencies ultimately wound up saying we can't give you the permission that Judge Gesal has said you must have in order to go forward with those charges, whereupon Mr. Walsh decided that he could not prove those charges without that material, and, therefore, asked to drop them next week.

MR. LEHRER: What is your understanding, Lyle, as to what is the nature of the classified documents that are so crucial here to both sides?

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LEXIS NEXIS LEXIS NEXIS

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MR. DENNISTON: Well, the ones that seem to be causing the greatest difficulty are documents which I understand identify sources and methods. That's a term of art in the intelligence community. That means how we gather secrets about other countries, how we, ourselves, process our own secrets, in other words, the intelligence community's way of gathering its kind of sensitive, very sensitive information.

MR. LEHRER: Is it your impression that there are some huge secrets about the Iran-Contra affair that are in these documents that they don't want out? We don't know, huh?

MR. DENNISTON: Well, I've never been persuaded of that, Jim, but I have always wondered and, indeed, hoped as a journalist that when this case went to trial, we would learn some more about what President Reagan did, perhaps we might learn something more about what President-elect Bush did in those days --

MR. LEHRER: Assuming there was more to learn.

MR. DENNISTON: If there was more to learn. I had thought that we might well learn those kind of details, things in which the Iran-Contra committees and the Tower Commission did not bring out in any full and final way and that prospect now I think seems more remote with the dropping of these two charges.

MR. LEHRER: All right. The charges that were dropped were the conspiracy charge, the two broad charges, but there are 12 that remain. Quickly run through those, what the nature of those are.

MR. DENNISTON: Most of those, Jim, have to do with lying to Congress or lying to the Presidential inquiry which Mr. Reagan ordered in November of 1986.

MR. LEHRER: The Tower Commission.

MR. DENNISTON: Right. Lying either while the process was going forward between 1983 and '86, or lying to cover it up after the scandal broke in November of 1986. There also are a couple of charges suggesting that Mr. North used proceeds for his own personal benefit, proceeds of the arms sales, by using these travelers' checks for personal purposes and getting a \$13,000 security system installed to protect him and his family at home. And finally there's a charge, and this charge, by the way, involves a suggestion that the President, himself, knew some of what was going on. This is the charge that Mr. North illegally arranged for tax exempt contributions to fund some of the arming of the Contra rebels.

MR. LEHRER: What about the destruction of documents, of government documents?

MR. DENNISTON: That's one of those too.

MR. LEHRER: That's one of those.

MR. DENNISTON: Yes, the destruction of documents when the scandal broke, after the scandal broke in November of '86.

MR. LEHRER: But from the legal standpoint, or legal standpoint that I could understand at least, the difference between the remaining 12 and the 2 that were dismissed, have nothing, the remaining 12 have absolutely nothing to do with

LEXIS NEXIS LEXIS NEXIS



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whether or not money was diverted from the Iran arms sales to Nicaragua, et cetera.

MR. DENNISTON: That's true. That's out of the case now, Jim.

MR. LEHRER: These had to do with very specific acts, the ones that remain.

MR. DENNISTON: That's right. But by the way, these very specific acts do involved the same kinds of problems of classified documents that the two big charges also involve. For example, we learned today in papers filed in the court that of the 300 documents that Mr. North still wants to use in his defense, the vast bulk of those, all but a handful, bear upon the remaining 12 charges, not the big 2.

MR. LEHRER: We're not out of the woods yet.

MR. DENNISTON: So we're far from finished with this problem with classified documents.

MR. LEHRER: All right, thank you, Lyle. Now two reactions and analyses of the Walsh decision. They are those of Washington attorney John Nields, who was the chief counsel to the House Select Committee that investigated the Iran- Contra Affair, and Patrick Korten, a former Justice Department Spokesman under Attorney General Edwin Meese; he now works for the Heritage Foundation here in Washington.

MR. LEHRER: Mr. Nields, did Walsh do the right thing?

JOHN NIELDS, Attorney: Well, I don't have any way of knowing whether the documents that the Intelligence agencies refused to declassify were properly classified. In my opinion, I think this may be a blessing in disguise for Walsh. The remaining charges are significant ones and I believe more difficult for North to defend against with the conspiracy charge out of the indictment.

MR. LEHRER: In what way?

MR. NIELDS: The conspiracy charge I believe would have permitted North to litigate the case on his turf. The conspiracy charge relates mainly to the conducting of an illegal war in Nicaragua, the supporting of the Contras during the period of the Boland amendment, and other aspects to it which were important, such as the diversion of funds and the concealment of what was going on from Congress, but it would have centered around a war in Nicaragua, the support of the Contras. That would have permitted North to put forward his strongest and most emotionally appealing defense that he was saving lives, that he was defending democracy from communism and it would have permitted him to wave the flag and argue that heroism and perhaps some bending of the rules was appropriate under the circumstances. The other charges don't lend themselves to that type of a defense, at least not anywhere near as easily. They involve lying to Congress, lying to the Attorney General, shredding documents, altering official documents, falsifying chronologies.

MR. LEHRER: But couldn't the defense also be made he lied to Congress in the interest of national defense, he shredded the documents in the interest of national defense?

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LEXIS NEXIS LEXIS NEXIS



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MR. NIELDS: It can be but I think it is much more difficult. Those charges are fairly specific. They are the type of charges that are frequently brought in criminal cases against other people in this country, most people who lie to federal agencies or obstruct justice or congressional investigations if they get caught, they get indicted for it. I don't know of anyone who's been indicted for conducting an illegal war or even for moving money from one governmental purpose to another without an official appropriation.

MR. LEHRER: So Walsh is better off in your opinion?

MR. NIELDS: In my opinion, tactically this case is stronger for Walsh without the conspiracy count in the indictment?

MR. LEHRER: Mr. Korten, what's your reading of that?

PATRICK KORTEN, Heritage Foundation: Well, first of all, I think that Mr. Walsh is left in an awkward position, having dropped the two major counts, because he is now left with having spent \$12 million of the taxpayers' money in order to prosecute Ollie North for having allowed a security system to be put in around his house to protect him and his family from Abu Nidal, or from buying a couple of snow tires using traveler's checks, which he later paid back, \$12 million for that? That's an awfully difficult thing for someone to go back to the public and answer for.

MR. LEHRER: So you do not agree with Mr. Nields that he is left with a stronger case, tactically at least?

MR. NIELDS: Well, from a legal standpoint, it may simplify the task of prosecution, but, on the other hand, some of these counts, I would not care to be the prosecutor and trying to persuade a jury that Ollie North ought to be sent to jail for allowing that security system to be put in. Brendon Sullivan is going to play that jury like a Stradivarius. There's not a jury in America I think that you can find that can convict him on something like that.

MR. LEHRER: Is it your view that the thing ought to be dropped now?

MR. NIELDS: I think absolutely it ought to be dropped. There is nothing here left that is worth prosecuting, nothing here that would have been taken all the way to indictment by the average prosecutor working for the Department of Justice. As a matter of fact, if I may insert one other thing, there's one significant point here that I don't think is fully appreciated and that is that the conspiracy charge and the other charges that depended upon the use of classified material would never have been brought in the first place. There would not have been an indictment had Mr. Walsh been a prosecutor working for the Department of Justice, because within the Department, before you can proceed to indictment in a case like that, you are required to get all of the clearances from the intelligence community first before you put somebody like Ollie North through the ringer of indicting him and trying to bring him to trial.

MR. LEHRER: So when Lyle said that three years ago -- when was it, Lyle, it doesn't matter when it was -- but even before he went before the grand jury, he knew he was going to have problems.

MR. DENNISTON: Of course he did, a year ago.

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MR. LEHRER: A year ago. If this had been a Justice Department case, it wouldn't have --

MR. KORTEN: Never would have gone to indictment in the first place. You'd have found out before that point that you had had classified material you had to rely on but could not use. There would not have been a charge brought in the first place.

MR. LEHRER: Mr. Nields, what do you think of Mr. Korten's point that -- stop it right now, what's the point in going on?

MR. NIELDS: Well, first of all, I guess as you can tell from what I've already said, I think, the other charges were the more properly brought. I had questions from the beginning about the conspiracy count and the diversion count. I think the others are proper criminal charges and I believe it is important that they go to trial. I don't know how they're going to come out but I think it's important --

MR. LEHRER: Why is it important that they go to trial?

MR. NIELDS: Because I believe that the most important issue arising out of the Iran-Contra affair is whether the rule of law will apply to activities conducted by our government in secret, and I underscore in secret. It is very difficult to bring the rule of law to bear on intelligence activities, secret activities, because they're secret, and if when we find out that secret activities have been conducted in a criminal way and charges are brought and it then turns out that we can't bring those charges to trial because they were done in the intelligence world and, therefore, they are classified secrets which will prevent the trial, we have really told the entire intelligence community that they're immune from the law and I think that would be a very serious and unfortunate thing.

MR. LEHRER: Mr. Korten.

MR. KORTEN: I don't want to say that's silly but I think it's disingenuous, because the charges that are being brought here are not, as John, himself, noted a minute ago, charging Ollie North with having illegally diverted funds or having done something in that realm that was wrong. There all things that revolve around whether or not he gave Congress information that it was asking for. Was Congress asking for that information properly? Were they exceeding their bounds? What you get right down to after you analyze most of these counts is a policy dispute between the legislature and the executive. And the Congress wanted a lot of information from the executive, not all of which it was entitled to, perhaps very little of which it was entitled to. They wanted to try to influence the executive branch foreign policy decision making in a way that the Congress is not entitled to do. They're trying to expand their power in the realm of foreign policy and they're trying to criminalize the dispute with the White House. That's what these counts are all about. They're not about Ollie North. They're about a policy dispute between the Congress and the executive.

MR. LEHRER: They're not about what Mr. Nields just said they were about.

MR. KORTEN: Not on a larger sphere, not on a larger sphere.

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MR. LEHRER: Criminal acts done in secrecy because of their intelligence.

MR. KORTEN: Take a view of this. For example, one of the charges or perhaps several of the charges, I guess, involved whether or not he misled or lied to Ed Meese during that weekend before all of this was announced to the White House news conference. Did he make false statements within the meaning of the Title 5 U.S. Code? The fact of the matter is that was an informal inquiry. The President asked Ed Meese to ask some questions, try to get to the bottom of it, but it was not an official criminal investigation. To charge someone with criminal violations for which one could suffer jail and heavy fines when, in fact, all you were talking about here was an informal inquiry, seems to me to be bizarre. Most of the rest of the counts don't make an awful lot more sense to me.

MR. LEHRER: Mr. Nields.

MR. NIELDS: Well, I guess as I've already said several times it is not unusual for the Department of Justice to bring criminal charges against people who obstruct official proceedings, shred documents, falsify records, lie to Congress, lie to the Justice Department, and I wish --

MR. LEHRER: You mean, the Attorney General --

MR. NIELDS: Lie to the Attorney General, and I wish that I could be guaranteed that when I have a client who is under investigation for similar things that I could go to the Justice Department and say, well, all they did was lie to you or somebody else, and consequently, they shouldn't be indicted.

MR. LEHRER: We're not going to resolve that one but let's take up a point that Lyle made and it's been made by others, that as a result of the decision, and assuming the judge -- is there any question, by the way, that the judge will go along with Walsh on this?

MR. DENNISTON: I don't think there's any question about it. He has a hearing on Monday at which he's going to examine the question and under the federal rules, he must agree to do it before the matter is dropped, but the judge, himself, has said over and over again for the last nine, nine and a half months, that he had serious problems going ahead with these counts anyway even before Walsh made the point.

MR. LEHRER: So let's assume that he does. Do you believe, Mr. Nields, or do you agree with Lyle, that as a result of this, the full story of Iran-Contra will now not be told?

MR. NIELDS: No. I think it was -- first of all I guess I should say, and I've got a little bit of a bias here since I was involved with the Congressional investigation, but I should say that we saw all of the documents in their unclassified form, and there were none that had any bearing at all on the President's responsibility for the diversion or frankly for any of the other episodes in the Iran-Contra affair which were concealed by reason of their being classified, and the second thing I guess I would say is that I think it would have been very unlikely that either North or the President, Reagan, should he have testified would have said anything different about the President's Congress than North said to the Congress or that Reagan had said to the public. So while I can't absolutely rule out that some additional piece of information would have come out or will come out in the context of the criminal case, I believe it

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LEXIS NEXIS LEXIS NEXIS



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was very unlikely and I doubt we lost anything in that regard.

MR. LEHRER: Do you agree with that, Mr. Korten?

MR. KORTEN: Oh, sure. After the eight or nine months that the Congress spent holding countless hours of hearings and producing thousands of pages of transcripts and many many more interviews that were conducted in private with people who had never testified, we have a very full complete account insofar as it can be known as to what happened.

MR. DENNISTON: There is one dimension into which the Congressional effort and the Tower Commission effort did not go and that's the role of George Bush. George Bush has never been subjected to a rigorous accounting to what role, if any, he had in that. Now I'm not suggesting that I know he had one, but he certainly was not asked to answer in the same way that President Reagan was asked to answer, and that is something that might well have come out at the trial or at least there was a prospect that that might have come out at the trial and that prospect is now gone.

MR. LEHRER: But it did not come out in the Congressional hearings at all. Is there some explanation for that?

MR. NIELDS: Well, the only thing that I would say is it is true that although we all got through the press and through the Tower report some idea of what President Reagan had to say about his own knowledge and involvement, we didn't learn that much from George Bush. But in terms of evidence from other sources about future President Bush's involvement, we explored those thoroughly, there wasn't very much on it frankly, and we concealed nothing that we learned.

MR. LEHRER: Mr. Korten, anything to add to that?

MR. KORTEN: I have great affection for Lyle. We've known each other for years and dealt with each other at the Department, but I'm always amused by the journalist's propensity to squeeze the last ounce of blood that can be had out of a story. I don't think anything involving George Bush would add anything significant to the story. Based on what I know of conversations that Ed Meese had with George Bush at the time, as well as all of the others, I don't think there was any significant role on his part.

MR. DENNISTON: Jim, I think there's another point here that bears repeating. I think it comes a little bit off of what Pat was saying earlier. These are difficult issues to try to raise and resolve in the context of a criminal case. This is a case that is regulated by the constitution itself and it's regulated by this bizarre 1980 law, the Classified Information Procedures Act, and to try to put on this trial and this criminal process, the burden of political revelation is asking it to carry a lot more baggage than it can, but it's all we've got left now. There are not going to be any other inquiries. Clumsy and inartful as this process might have been, it was worth trying, I think, from at least from a news perspective, whether or not from a governmental perspective; that's arguable, I suppose.

MR. LEHRER: You've been close to the procedures up till now. What is your -- do you think that the trial of Oliver North will, in fact, proceed on these final 12 counts?

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MR. DENNISTON: My present inclination is to think that it will not because I think that the classified documents issue is going to continue to plague this proceeding throughout and I think at some point, my own conjecture, purely off the wall, is that Lawrence Walsh is going to decide that he can't go forward with anything of real consequence in this case and the case I think ultimately will be aborted. But we'll know that in January or maybe in February.

MR. KORTEN: The same thing is what all of this says about the independent counsel law. What it say is after two years and \$12 million -- by the way -- do you know what the average U.S. Attorney's Office spends in a year, 5 million, and they bring hundreds and thousands of cases. He's spent \$12 million and he's come up with almost nothing.

MR. LEHRER: That's another whole thing and I'm sure we will have you and others back to talk about it depending on what the results are. Gentlemen, thank you all three for being here.

FOCUS - KIDS AND SMOKING

MR. MAC NEIL: Next tonight the question of why young people, despite all warnings and pleadings, still take up smoking. We have a report from Seattle by Lee Hochberg of public station KCTS Seattle.

LEE HOCHBERG: Teenagers today have lived their entire lives in a world with warning labels on cigarettes. They've never seen a tobacco ad on television. Yet, almost 20 percent of teenagers smoke every day. Teen smoking rates dropped a decade ago, but today, teens are the only segment of American society where smoking isn't on the decline.

TEEN: I don't know why I smoke. A lot of people ask me that, but mainly I guess it's because my dad smokes, there are cigarettes there. You know, a lot of my friends smoked. All my friends smoke now.

MR. HOCHBERG: Poor kids are twice as likely to smoke as their middle class teens. More than 80 percent of teens who smoke daily have below a C average in school. They are more likely to drop out, less likely to go to college. They are more likely to regularly use alcohol, marijuana, or other illegal substances. They know about lung cancer and emphysema and early death from smoking, but many teen smokers have an outlook on life that keeps the educational message from making a difference.

TEEN: Today you're going to die from smoking or nuclear war or whatever; you're still going to die.

TEEN: No, I don't think about it, because I know if it happens, it happens, there's nothing I can do to stop it besides quit smoking and you're going to die sooner or later, so -- {laughing}.

MR. HOCHBERG: Like their parents before them, most kids start smoking because they think it's cool, grown up, or just because their parents do it. Whatever the reason, smoking is not just a passing phase of rebellious youth. Many make a decision at the age of twelve or fourteen that will stay with them until they die.

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ROBERT ROSNER, Smoking Policy Institute: I think that in our society we have a slight problem, that what we do is we look at smoking and we say it's a personal choice issue and we forget that for millions and millions of people, once they start smoking, the personal choice goes out the window; they are hooked to an addictive drug.

YOUNG CHILD: I know I'm too young to smoke. It's just that I have a habit and I can't quit it.

MR. HOCHBERG: Government studies find that 53 percent of the nation's high school seniors who smoke half a pack of a day have tried to quit but couldn't. Ten years from now, 3/4 of them will still be smoking every day. Nicotine is considered one of the most addictive drugs young people encounter.

ROBERT ROSNER: Consistently, a majority of both alcohol users and drug users say that they had a much tougher time kicking nicotine than they did kicking alcohol and heroin.

MR. HOCHBERG: That addiction can be costly or profitable, depending on your perspective. The American Lung Association estimates kids under the age of 17 buy \$3 billion worth of tobacco products each year. In the State of Washington, selling cigarettes to minors is a gross misdemeanor, punishable by up to a year in jail, but the law has never been enforced.

MR. HOCHBERG: Where do you get your cigarettes?

TEEN: 7-Eleven's, just little mini stores, just little handy stores, you know, they'll sell them to anyone.

TEEN: It's easy to get in there. You know, they just kind of go, are you 18, yeah, okay, you know. They don't really, they don't card you.

MR. HOCHBERG: So where do you get your cigarettes?

TEEN: 7-Eleven.

MR. HOCHBERG: Is that --

TEEN: Down the street. It's 'cause when I'm at school, it's easier to go down there and get 'em. I just walk in and ask for a Salem Lights and they say okay and I give 'em the money.

MR. HOCHBERG: 7-Eleven, the nation's largest chain of convenience stores, says it depends on tobacco customers for more than 1/3 of its business, but the company says tobacco sales to minors are insignificant.

DAVID HUEY, 7-Eleven Merchandise Manager: I would say is that's occurring, it's a very small number of stores and a very small number of people that are obtaining cigarettes in that manner. What you're saying is it happens, I'm sure it does, but in terms of its significance, I wouldn't be concerned about it.

MR. HOCHBERG: Ron Sims is concerned. He and other members of the King County Council recently passed one of the nation's toughest ordinances aimed at stopping tobacco sales to minors. It will require cigarette retailers to obtain a county license to sell tobacco products. Then it will use that license to

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punish people selling cigarettes to minors.

RON SIMS, King County Council: The first violation you get a warning letter and a \$100 fine. The second violation you are fined \$500 and your license to sell tobacco products for three to six months. On the third violation the fine is \$1000 and your license to sell tobacco products is revoked. We hit people where it hits them hardest which is in their pocket book. Today when we had convenience store operators saying that 25 to 33 percent of their sales are tobacco products and that if they're suspended for any period of time it can put them out of business, that was our intent, to get people to understand that nicotine is highly addictive and we do not want it sold to young people under the age of 18.

MR. HOCHBERG: The ordinance will also eliminate self-serve vending machines in areas accessible to minors. It goes into effect in February. It's impossible to say how effective the legislation will be. One problem is that many kids have a source for tobacco that the law can't reach.

TEEN: When I don't have any money, I get cigarettes from my dad. He gives me cigarettes.

TEEN: My parents know I smoke, so normally my dad will bring me a pack home or something during the day.

TEEN: My mom buys them for me too, so I could always go have her buy 'em for me, so it's not like it would stop me because I couldn't buy 'em, because I can always find somebody to buy 'em for me.

MR. HOCHBERG: Not only do many parents tolerate smoking. So do many schools on the belief that banning smoking would just drive students away from school.

BILL WILEY, Principal, Everett Alternative H.S.: The board and the district felt that it was in the best interest of the district and of society in general to have, if you will, educated nicotine addicts rather than uneducated nicotine addicts.

MR. HOCHBERG: But the trend is the other way. School districts in several Seattle suburbs recently have banned smoking on school grounds. Most other school districts are expected to follow suit in the next few years, yet, no one expects the problem to be solved so easily.

JANE ANSLEY, Counselor, Auburn Schools: We've told them that they shouldn't smoke dope. We've told them they shouldn't drink beer. We've told them they shouldn't drive without their seat belts on, and they know all about it, but they still do because that's what youth does.

ROBERT ROSNER, Smoking Policy Institute: Well, Surgeon General Koop has a very interesting way of discussing the issue of kids and smoking. He says when you look at the tobacco industry, they have a problem. Every year they kill 350,000 of their best customers. They have to accrue.

MR. HOCHBERG: Many educators believe that tobacco advertising entices kids to try out smoking. Whether it's the rugged independence of the Marlboro man, the sexy playfulness of Salems, or the promise to be cool, the images portrayed by tobacco companies make a powerful impact on kids.

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ROBERT ROSNER: See the problem is is that education is boring and Madison Avenue is smart, and what we've been doing is we've been going up with a sling shot against Madison Avenue, and I think we have to fight fire with fire.
{PUBLIC SERVICE ANNOUNCEMENT AGAINST SMOKING}

DR. ROBERT JAFFE: (Addressing Young Children in Classroom) My name is Bob Jaffe, and I'm a family doctor here in Seattle, and the reason why I came here is to talk about cigarettes and smoking.

MR. HOCHBERG: An organization of Washington physicians, Doctors Ought to Care or DOC, is trying to counter the effects of tobacco ads with TV public service announcements and school programs. They aimed at preventing young kids from ever starting to smoke.

DR. ROBERT JAFFE: What do those ads say about cigarettes?

LITTLE BOY IN CLASSROOM: They say smoke. They'll say we're the best cigarette you've ever tried.

DR. ROBERT JAFFE: So what do you think it'll do to? What does the ad say it's going to do to you?

LITTLE BOY IN CLASSROOM: It says it's going to make your life a better life.

DR. ROBERT JAFFE: Uh huh. Is she having a good time or bad time?

KIDS IN CLASSROOM: Good time.

DR. ROBERT JAFFE: So you want to be like her?

MIXED RESPONSE BY KIDS IN CLASSROOM

DR. ROBERT JAFFE, President, Washington DOC: What I'm trying to do now is to get down to the kindergarten to sixth grade level and convince kids that they don't need to start, that it's a stupid idea, that they're being coopted and duped by large corporations who want to profit off of their illnesses and their eventual death and work out their rebelliousness and anger against those companies, against those advertisements, and make the act of not smoking seem like a strong courageous nonconformist stand for them to take.

TEACHER IN CLASSROOM: Rule No. 1 says no smoking. That means that when you decide you're going to be in this group you are going to quit cold turkey.

MR. HOCHBERG: For kids who have started smoking and want to quit, a few schools offer help like this Stop Smoking class at a suburban Seattle high school. These students have good reasons for wanting to stop.

STUDENT: Most of the people in my family the reason of death, the main cause of death is lung cancer, and just waking up in the morning and coughin' up blood clots and stuff, it's not that fun.

STUDENT: I'm going to quit smoking because I used to be a distance runner and I want to start runnin' again and when I smoke, it just makes it hard, so I'm just gonna quit it altogether and get my act back in shape.

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STUDENT: My grandmas, all of 'em died of lung cancer, and my grandpas, and my mom is not even livin', she's not quite dyin', but she's got lung cancer. That's one reason I want to quit.

MR. HOCHBERG: Even for young smoker, quitting doesn't come easily. Of the 24 students who started this class, none has been able to completely kick the habit.

MR. LEHRER: We close tonight with a look back at Emperor Hirohito of Japan. He died this evening after a four month illness. He was 87 years old. He had reigned for 62 years, and during that time, Japan had moved from a military to an economic power. Charlayne Hunter-Gault prepared this report on the passing of the head of the oldest imperial family in the world.

MS. HUNTER-GAULT: When Hirohito inherited the throne in 1926, the emperor was considered literally descended from the gods. During his life, that concept changed to a much more human one, a change that can be seen in the way he died, fighting till the end, blood transfusion after blood transfusion, using advanced medical technology. This would have been unthinkable when Hirohito was growing up. In those days, neither the Emperor or his children were supposed to be given any medicine, because it was considered a violation of their sacred bodies. It was at the urging of his wife that Hirohito, himself, changed that practice, allowing his daughter to be given pain killers for a terminal illness. Much of the emperor's job was ceremonial, like reviewing the troops. But he did have ultimate power, but it's not clear how often he exercised that power. He was often presented with fait de complits by his generals who led Japan into war with China and other neighbors in the 1930s. It's not even clear whether Hirohito approved of the war against the United States, but one decision was clearly his, to surrender after the U.S. dropped the atom bomb on Hiroshima. He prevailed over some military leaders who wanted to fight until the end. When he announced Japan's surrender on national radio on August 15, 1945, it was the first time the Japanese public had ever heard his voice. The people were not supposed to look at or hear him because of his divine status. Japan surrendered to Gen. Douglas McArthur, who directed the U.S. military occupation.

DOUGLAS MC ARTHUR: To sign the instrument of surrender at the places indicated.

MS. HUNTER-GAULT: McArthur draft a new constitution, but rejected suggestions to depose the Emperor. Still the constitution took away the emperor's power and gave it to Japan's parliament. The emperor not only acquiesced, but enthusiastically supported the new constitution, urging the Japanese people to do the same.

SPOKESMAN: {Speaking through Interpreter} We shall join with the people in getting our fullest efforts to carry out the terms of this constitution correctly.

MS. HUNTER-GAULT: Hirohito now had a purely ceremonial role, more closely resembling the Queen of England's. Japan's history books would no longer call the emperor a god. Demystified, Hirohito became more of a public figure, appearing in front of huge crowds, visiting coal mines and factories throughout the country, even traveling abroad. He went to England in 1973, where he was greeted by the queen, despite some protests from World War II veterans and prison camp survivors. It was the first time any Japanese emperor had ever

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left his country. By this time, Japan was a major economic and growing diplomatic force and would become a key participant in global economic summits. Its automobiles and electronic products were selling better and better outside the country. Its military force was limited by the constitution, but under American pressure, the country has gradually increased its defense program. In 1975, Hirohito came to the United States. In addition to his visit to the White House, he was interviewed on network television about his role in World War II. (TELEVISION INTERVIEW)

MS. HUNTER-GAULT: His last public appearance was in August, attending a ceremony for Japanese soldiers killed during World War II. With Hirohito's death, his son, Crown Prince Akihito, inherits the throne and will go through many ancient coronation rituals. But he will come to a throne of a nation much more symbolized by its consumer goods and by a dynamic exporting economy than by the ancient imperial grandeur or military power of his father's time.

RECAP

MR. MAC NEIL: And again the other main points in the news this Friday, the first indictments and guilty pleas were made today in the Pentagon procurement case. The charges range from conspiracy and bribery to theft and racketeering. The nation's unemployment rate dropped to 5.3 percent last month, the lowest level since May of 1974, and the Soviet Union rejected the U.S. claim of self-defense in the Libyan shootdown incident. Good night, Jim.

MR. LEHRER: Good night, Robin. Have a nice weekend. We'll see you on Monday night. I'm Jim Lehrer. Thank you and good night.

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LEVEL 1 - 14 OF 55 STORIES

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GANNETT NEWS SERVICE

January 10, 1989, Tuesday

LENGTH: 805 words

BYLINE: KIM PAINTER

BODY:

Like converted sinners, ex-smokers take up preaching when they have gone over to the born-again camp, hoping their still-puffing brethren will join them in the smoke-free tent.

People who still smoke often refer to those among the converted as "one of them."

"Dallas" star Larry Hagman is one of them, and proud of it. So is New York model David Goerlitz who once made \$ 75,000 a year posing for macho Winston cigarette ads. So is Robert Rosner of Seattle's Smoking Policy Institute. And so is Kenneth Warner, senior scientific editor on a new smoking report out Wednesday from Surgeon General C. Everett Koop.

Since 1964, when the Surgeon General first proclaimed smoking was hazardous to health, the anti-smoking movement has put warnings on cigarette packs, taken cigarette advertisements off TV and made smoking a social sin in some circles.

When Koop issues new warnings Wednesday, he'll address a nation where at least 1.3 million smokers kick the habit each year and where the number of ex-smokers (roughly 40 million) approaches the number of current smokers (roughly 50 million)

If trends continue, ex-smokers will outnumber smokers before the year 2000, says Dr. Michael Fiore of the University of Wisconsin, Madison.

Ex-smokers can seem a bit self-important to outsiders.

"There's just an air of superiority," says Dave Brenton, 34, of Mesa, Ariz., an 18-year smoker who heads the 1,600-member Smoker's Rights Alliance. "It's annoying how some of these ex-smokers acquire an extreme sensitivity to being around people who smoke."

Hagman, 57, is perhaps the best-known ex-smoker.

A smoker for 20 years, he quit in 1964 after a double scare: An Italian doctor told him he was killing himself, and a few months later, the first surgeon general's warning came out. Today, Hagman is chairman of the annual Great American Smokeout.

He prohibits smoking on the set of "Dallas" - "I have the clout to do that," he says - and has a sign on the front door of his home that reads "Thank you for not smoking in the house."

Goerlitz, 39, who posed for Winston from 1982 to 1986, was in the business of getting people to smoke - or, at least, to smoke Winstons.

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But when he broke his own 24-year, three-pack-a-day tobacco addiction in November - after visiting a cancer ward and seeing dozens of lung cancer victims - he decided he couldn't leave it at that.

"I felt directly responsible for helping to cause (thousands) of people a day to start smoking ... I felt very guilty," Goerlitz says.

So Goerlitz became an anti-smoking crusader, offering his help to whoever would take it.

A group called Citizens Against Tobacco Smoke has accepted his offer, and this week will begin distributing radio and television spots in which Goerlitz describes himself as a former "drug pusher" for nicotine.

In the spots, Goerlitz says: "I was used by a major cigarette company to make smoking glamorous, and it's a lie. Smoking kills 1,000 people every day - more than AIDS, suicides and traffic accidents combined."

Warner, who'll join Koop in presenting Wednesday's report, has been preaching to the unconverted since he quit his own habit in 1974. In an Associated Press interview last week, the University of Michigan economist and health policy analyst explained why: "I see the people who are dying. I also see the kids who are starting up, who think it's a harmless, adult kind of behavior. We've got a long way to go and a lot of work to do."

Labor relations manager Emily Evans of Seattle quit her 22-year habit in August 1987, and finds she has few friends who need converting: "Smoking is considered highly anti-social behavior among my friends and co-workers."

But when smokers do come to her home, she offers ashtrays: "I think I'm more tolerant than I would have been if I'd never smoked. When I look at smokers, I feel compassion and I want to help them, but I know that it has to be an individual decision."

Rosner - whose Smoking Policy Institute helped set up a smoking ban at Evans' company - says many ex-smokers could take compassion lessons from people like Evans.

"I've seen some pretty incredible ex-smokers in my day. There are many who are not supportive - they're insulting, they lay on guilt trips," says Rosner, who always puts equal numbers of smokers, non-smokers and ex-smokers on committees planning smoking policies.

Smokers "need support, not sarcasm and guilt," Rosner says.

He says ex-smokers must consider that not everyone can quit the way they quit - whether it was with hypnotism or nicotine gum - because not everyone smokes for the same reasons. Some are heavily addicted to nicotine; others smoke out of habit.

And many smokers just aren't ready to quit, Rosner says: "Ex-smokers really have a responsibility to remember what it was like."

SUBJECT: SMOKING

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LEVEL 1 - 13 OF 55 STORIES

Copyright (c) 1989 Gannett Company Inc.
USA TODAY

January 11, 1989, Wednesday, FINAL EDITION

SECTION: LIFE; Pg. 1D

LENGTH: 1209 words

HEADLINE: Preaching, not puffing;
Born-again quitters seek 'converts';
But smokers still resist the message

BYLINE: Kim Painter

BODY:

Whenever a company hires Robert Rosner to negotiate a smoking ban, employees ask if Rosner is an ex-smoker. He isn't.

'At one place, I said that and a man stood up and said, 'Thank God, you're not one of them,' says Rosner, director of Seattle's Smoking Policy Institute.

But Dallas star Larry Hagman is one of them, and proud of it. So is New York model David Goerlitz, who once made \$ 75,000 a year posing for macho Winston cigarette ads. And so is Kenneth E. Warner, senior scientific editor on a new smoking report out today from Surgeon General C. Everett Koop.

They're all ex-smokers who, like converted sinners, have gone over to the born-again camp and taken up preaching - hoping their still-puffing brothers and sisters will join them in the smoke-free tent.

That tent has become more crowded each year since 1964, when then-Surgeon General Luther L. Terry first proclaimed smoking hazardous to health. Since then, the anti-smoking movement has put warnings on cigarette packs, taken cigarette advertisements off TV and made smoking a social sin in some circles.

As Koop issues new warnings today, he addresses a nation where at least 1.3 million smokers kick the habit each year and where the number of ex-smokers (roughly 40 million) approaches the number of current smokers (roughly 50 million.)

If trends continue, ex-smokers will outnumber smokers before the year 2000, says Dr. Michael Fiore of the University of Wisconsin, Madison.

Fiore's research shows that by 1985, 44 percent of those who ever smoked were ex-smokers; among all college graduates who'd ever smoked, 57 percent had quit - a sign that forswearing nicotine isn't just healthy, it's fashionable, at least at the highest socioeconomic levels.

Like any fashionable group, ex-smokers can seem a bit self-important to outsiders.

'There's just an air of superiority,' says Dave Brenton, 34, of Mesa, Ariz., an 18-year smoker who heads the 1,600-member Smoker's Rights Alliance.

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(c) 1989 USA TODAY, January 11, 1989

"It's annoying how some of these ex-smokers acquire an extreme sensitivity to being around people who smoke."

But the ex-smokers' club is anything but an exclusive clique: Members seek recruits.

Hagman, 57, is perhaps the best-known recruiter.

A smoker for 20 years, he quit in 1964 after a double scare: An Italian doctor told him he was killing himself, and a few months later, the first surgeon general's warning came out.

"When I saw it in print, I believed it," Hagman says.

Today, Hagman is a spokesman for the American Cancer Society and chairman of the annual Great American Smokeout.

He prohibits smoking on the set of Dallas - "I have the clout to do that," he says - and has a sign on the front door of his home that reads "Thank you for not smoking in the house."

Those policies have led many of his friends and co-workers to quit, Hagman says.

Goerlitz, 39, who posed for Winston from 1982 to 1986, was in the business of getting people to smoke - or, at least, to smoke Winstons (cigarette companies say advertisements are meant to influence brand choices, not to recruit new smokers).

But when he broke his own 24-year, three-pack-a-day tobacco addiction in November - after visiting a cancer ward and seeing dozens of lung cancer patients - he decided he couldn't leave it at that.

"I felt directly responsible for helping to cause (thousands) of people a day to start smoking ... I felt very guilty," Goerlitz says.

So Goerlitz decided to become an anti-smoking crusader, offering his help to whoever would take it.

A group called Citizens Against Tobacco Smoke (CATS) has accepted his offer, and this week will begin distributing radio and television spots in which Goerlitz describes himself as a former "drug pusher" for nicotine.

In the spots, Goerlitz says: "I was used by a major cigarette company to make smoking glamorous, and it's a lie. Smoking kills a thousand people every day - more than AIDS, suicides and traffic accidents combined."

Warner, an economist and health policy analyst at the University of Michigan, Ann Arbor, quit his own habit in 1974. He'll join Koop in presenting today's report.

He says it's what he's learned since quitting that has convinced him to speak out against smoking: "I don't think you can study this issue for long without developing a strong point of view."

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He says smoking is "a tragedy of massive proportions" that kills 100 times as many people each year as all illegal drugs put together.

But, he adds: "I'm not an anti-smoker - I'm anti-smoking."

Not all ex-smokers are public crusaders, of course. Most confine their efforts to friends and co-workers.

That's the case with Dr. Robert Windom, 58, a physician who smoked for 30 years, but quit a few years before becoming the nation's assistant secretary for health in 1986.

"I do get on my friends who smoke, give them a nudge - but it's a friendly nudge. I don't want to tell anyone how to live their life," Windom says.

Former smoker William Weeks, 36, a manufacturing plant manager in Calhoun, Ga., takes a gentle but firm approach: "I try to be very cordial and first of all ask them not to smoke in my car or my house or around me. Most people are receptive to that ... I also include a small sermon on passive smoke, the fact that their smoke can cause health problems for me.

"I'm never ugly about it. If I'm around someone who is terribly addicted, I try to be understanding."

Labor relations manager Emily Evans of Seattle quit her 22-year habit in August 1987, and finds she has few friends who need converting: "Smoking is considered highly antisocial behavior among my friends and co-workers."

But when smokers do come to her home, she offers ashtrays.

"I think I'm more tolerant than I would have been if I'd never smoked," Evans says. "When I look at smokers, I feel compassion and I want to help them, but I know that it has to be an individual decision."

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Smokers "need support, not sarcasm and guilt," Rosner says.

He says ex-smokers must consider that not everyone can quit the way they quit - whether it was with hypnotism or nicotine gum - because not everyone smokes for the same reasons. Some are addicted to nicotine; others smoke out of habit.

And many smokers just aren't ready to quit, Rosner says: "Ex-smokers really have a responsibility to remember what it was like."

TEXT OF GRAPHIC

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(c) 1989 USA TODAY, January 11, 1989

Quitters on the rise

By the year 2000, experts expect the number of former cigarette smokers to outnumber smokers.

Year	Smokers (1)	Ex-smokers (1)
(in millions)	(in millions)	
1974	59.67	32.32
1985	48.79	39.92

COMPLETE TEXT NOT AVAILABLE

(1) Adjusted number of smokers, based on population in 1985

Source: Journal of the American Medical Association

GRAPHIC: color, Elys McLean-Ibrahim, USA TODAY, Source: Journal of the American Medical Association (graph), PHOTO; color, John Lei (David Goerlitz)

CUTLINE: FELT RESPONSIBLE: David Goerlitz, who made smoking look macho in Winston ads, broke his 24-year, three-pack-a-day tobacco addiction in November, after visiting lung cancer patients in the hospital. He has now switched camps, and crusades against smoking.

TYPE: Cover Story

SUBJECT: SMOKING

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LEVEL 1 - 12 OF 55 STORIES

Proprietary to the United Press International 1989

January 11, 1989, Wednesday, BC cycle

ADVANCED-DATE: January 9, 1989, Monday, BC cycle

SECTION: Standing Feature

LENGTH: 497 words

HEADLINE: Smoking;
Anti-smoking group knows how to clear the air

BYLINE: By TAMARA HENRY

DATELINE: WASHINGTON

KEYWORD: Smoking

BODY:

Robert Rosner really knows how to clear the air, literally and figuratively, and this ability has won him respect from smokers and non-smokers.

Rosner, executive director of the Smoking Policy Institute, was recently awarded the Surgeon General's Medallion in a surprise ceremony at the private office of Surgeon General C. Everett Koop.

"You have a knack for going in and achieving a smoke-free workplace and making people like it," Koop said.

This month marks the 25th anniversary of the first surgeon general's report that connected smoking with increased risk of lung cancer.

Cigarette smoking has been a prime target of Koop, who has called for a "smoke-free society by the year 2000" and announced in May that nicotine in tobacco is as addictive as heroin and cocaine.

Statistics show Americans consumed an estimated 573 billion cigarettes last year, and that 300,000 to 500,000 of them die every year because they smoke.

Rosner, whose group is based in Seattle, was clearly surprised by the award; he had dropped by Koop's office for a brief greeting.

The surgeon general said "the institute is a credible, visible and centralized information resource, committed to protecting people from involuntary exposure to tobacco smoke in the workplace and to helping business develop healthy options to smoking in the workplace."

The National Cancer Institute described the program as "widely acknowledged as the nation's technical expert on the issue of environmental tobacco smoke and its impact in the workplace."

The institute has helped determine who may smoke at work and where at organizations as diverse as Pacific Northwest Bell, CIGNA Health-plan of Arizona, Ralston Purina headquarters in St. Louis and the Indian Health

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Proprietary to the United Press International, January 11, 1989

Service, which is a division of the Health and Human Services Department.

Pointing to a key success at the Lexington Clinic, a Kentucky medical center, Rosner quipped, "We got smoking banned in the middle of the tobacco belt."

"The key thing is not whether you choose to smoke but when and where you choose to smoke," Rosner said in an interview. "I really have a great deal of empathy for how smokers get treated in this society, and I know what it's like not to breathe."

The institute's approach is unique. The focus is not on getting people to quit smoking but to help people determine if they are ready to quit smoking and the best way to stop. Rosner stressed that most smokers "already are carrying guilt" and do not need a "value-laden format" but an approach "with a level of reasonableness and respect."

Companies and organizations are given a comprehensive list of all the policy alternatives and options so that companies can develop policies based on their special needs. Rosner said that a total ban is the most effective response to some company's circumstances, while designated areas are more appropriate solutions for others.

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LEVEL 1 - 11 OF 55 STORIES

Copyright (c) 1990 The Bureau of National Affairs, Inc.
Pension Reporter

February 26, 1990

Vol. 17, No. 9; Pg. 378

LENGTH: 381 words

SECTION: NEWS: Health Insurance.

TITLE: REDUCED MEDICAL PLAN RATES OFFERED TO SMOKEFREE EMPLOYERS OF NON-SMOKERS.

TEXT:

SEATTLE -- (By a BNA Staff Correspondent) -- King County Medical Blue Shield Jan. 29 announced it will offer rate discounts on group medical plans to an employer that employs non-smokers and maintains a smokefree workplace.

To qualify for a discount, an employer must have at least five employees and must certify that 90 percent of them are non-smokers, according to an announcement by King County Medical. Employers with two to four non-smoking employees in a smokefree workplace will be eligible for a 10 percent discount. Employer groups with five to 25 employees can receive a discount of up to 15 percent on group medical plans, the announcement said. It noted that King County Medical has provided a 10 percent discount for non-smokers' individual medical plans since 1985. The reduced rates for employers will become available March 1.

For its employer clients, King County Medical also will pay 75 percent of an employee's costs of attending an approved smoking cessation program, up to a \$500 maximum.

Tracy Zacharias, spokeswoman for King County Medical, said Feb. 12 that a public education campaign on the dangers of passive smoking, as well as advertising on the discounts, had sparked a "pretty lively" response. The public education campaign, sponsored also by the Smoking Policy Institute of Seattle, advertised the availability of booklets on how to stop smoking and how to "kick someone else's habit." The ads said inhalation of someone else's cigarette smoke, at home or at work, can double a person's chance of developing lung cancer and other serious respiratory diseases.

The response to the campaign included a "pretty good mix" of employers and individuals, Zacharias said, adding that she did not have any figures on calls that King County Medical received through a toll-free number. Callers can receive the booklets and discount coupons for smokefree workplace kits for employers from the Smoking Policy Institute and for discounts on smoking cessation programs.

King County Medical Blue Shield provides prepaid coverage to 720,000 employees of private businesses. Zacharias said King County Medical has up to 8,000 employer-clients in its service area, which includes the Washington counties of King, Cowlitz, Lewis, Snohomish, Thurston, and Yakima.

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LEVEL 1 - 10 OF 55 STORIES

Copyright (c) 1990 Seattle Times Company
The Seattle Times

March 5, 1990, Monday, Final Edition

SECTION: BUSINESS; STRATEGIES; Pg. D2

LENGTH: 1493 words

HEADLINE: INSURANCE CARRIER CUTS LOSSES ON HIGH-RISK CLIENTS

BYLINE: BY TIM HEALY

KEYWORD: BUSINESS MONDAY; KING COUNTY MEDICAL;
PROFILE KING COUNTY MEDICAL

BODY:

Bettylou Valentine, executive director of Central Youth and Family Services, was told last fall that King County Medical Blue Shield would raise the monthly premium for her 17 employees from about \$ 100 per month each to \$ 150 per month. Half of the increase was related to a normal annual increase; half was because of a change in the way King County charges small employers.

Valentine took her business to Group Health Cooperative, which was already providing health benefits to some of her employees.

King County Medical lost her business, but it's a price the state's largest provider of health insurance says it has to pay as it revamps its pricing system to reverse underwriting losses on the small-employer segment of its business.

Last fall, King County Medical changed the way it calculates premiums for employers with between five and 25 employees, which account for about 20 percent of the insurer's total revenue.

King County Medical, like all Blue Shield insurers, was set up as a not-for-profit company to provide health insurance. It is governed by a board of business people and doctors, but it has no shareholders. Excess revenue (money earned over and above administrative and underwriting costs) is used to make capital improvements such as computers or facilities, or are put in a reserve to guard against years when claims are more than premiums.

King County Medical provides health insurance for more than 7,000 employers; 6,500 of them fall into the five-to-25-employee range. The insurer has about 17 percent of the total business and individual health-insurance market in Washington.

In 1988, King County Medical had a \$ 15 million underwriting loss - the difference between what it took in in premiums vs. what it paid in claims and administrative expenses. More than half of the loss, \$ 7.7 million, resulted from claims filed by small employers, said Walt Samodurov, manager of underwriting.

"We had become the dumping ground for small employers who couldn't afford health insurance with someone else," Samodurov said.

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(c) 1990 The Seattle Times Company, March 5, 1990

The problem, he said, was that King County Medical was setting premiums for employers in only two broad categories. Two categories were not enough to allow the company to charge small businesses that were a higher risk premiums to cover them and still be competitive on low-risk employers. Other insurers, such as Safeco and Aetna, have as many as eight categories and tie premiums more closely to such factors as the industry and the age and sex of its employees.

For example, businesses such as taverns, and those in entertainment and health care are considered riskier than retailers because they average more health claims.

Insurers say employees in high-risk industries are exposed to illness or addictions more often than employees in low-risk industries.

Because King County Medical did not separate employers based on industry, it attracted many of the businesses that other insurers considered to be high-risk. But it was not charging the high-risk employers higher premiums. Hence, it became a dumping ground.

That changed last fall, when King County Medical assigned each of its small employers to one of eight categories to set new rates. For a few employers, the change was a blessing - they received health-insurance rate increases that were smaller than they were used to.

Eric Omli, owner of Nordic Services Inc. in Seattle, a general-construction contractor, said the company's 1990 insurance-rate increase was less than 10 percent. In the previous three years, the company experienced annual increases of between 18 percent and 23 percent each year.

But for others, such as Valentine, the change was a blow.

Samodurov said he expects the change will help King County Medical turn around its \$ 7.7-million underwriting loss for small employers within 18 months. Valentine said the rate increase that her agency received was too much to absorb.

"Private, nonprofit agencies like ours are notoriously bad for not paying as much as government or government-funded agencies," Valentine said. "Because of that, we've always wanted to provide good benefits. We can compete a little in that way. When we heard about the health-insurance increase, we just couldn't afford it."

Valentine's agency is one of more than 1,300 small employers that King County Medical expects will eventually be given premium increases above the average increase because of the changed rating system.

The insurer says about 4,200 small employers will not get increases above the average 25 percent. About 1,000 will benefit from the rating change by receiving smaller-than-average increases.

Samodurov is sympathetic with employers such as Valentine. But he says King County Medical couldn't continue to charge high-risk groups less than the cost of carrying that business.

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For Tom Ritley, an independent broker who helps small businesses find health insurance, the change has meant explaining to some small employers why their rates are going up as much as 70 percent in one year. Ritley is president of Group Insurance Brokerage Inc. in Winslow.

King County Medical hopes a new discount for for no-smoking workplaces and non-smoking work forces will help cushion the blow of the rate increases.

The company is not the first local health insurer to provide no-smoking benefits, but it has put a great effort into promoting its programs and trying to sell them to employers.

Ritley said King County Medical is the only insurance company in this area that provides such benefits to small employers without requiring a detailed health history of every employee. He said many employers avoid insurers that require such histories because one employee with a history of medical problems can prevent the employer from getting insurance.

Ritley believes the new no-smoking incentives from King County Medical will mitigate increases for some small businesses.

"It's an appropriate move now, if not overdue," he said. "I think insurers can have some influence on encouraging workers to quit smoking. It's a well-recognized fact that people who don't smoke are healthier."

Last month, the federal Department of Health and Human Services fixed the direct cost of smoking in the United States at \$ 52 billion, which was considerably higher than previous government estimates. In Washington state, the direct cost of smoking - largely found in health-care expenses - was \$ 428.7 million.

Bob Rosner, executive director of the Seattle-based Smoking Policy Institute, which fights smoking and promotes no-smoking policies and activities, said the new government study demonstrates the need for more action like that of King County Medical.

Rosner helped King County Medical put together its program, which includes several parts:

- Rate breaks for no-smoking companies.
- A benefit that pays 75 percent of the cost of a smoking-cessation program.
- Educational materials for any employer, whether a King County Medical customer or not, to start a stop-smoking campaign.

Winlock Pickering, president of King County Medical, said his company has already had a smoke-free workplace for several years. But he said the company thinks its new program can promote non-smoking all over the state as well as help its own bottom line.

"Certainly, it's good community relations," he said. "It's kind of a motherhood, ring-the-bells, wave-the-flag, good-guys thing to do. It's also good business for us. We may not see the full benefit right away, but it's got to benefit us down the road."

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The smoking benefit comes at an especially good time for small businesses that either must pay extremely high rates or can't get health insurance at any price.

The Wall Street Journal reported last month that some small businesses on the East Coast, particularly businesses in what are seen as high-risk industries, can't get insurance.

Ritley said the problem for small businesses in Seattle has more to do with costs being prohibitively high than with insurance not being available for any price.

Strategies appears weekly in the Business Monday section of The Seattle Times.

KING COUNTY MEDICAL

- Headquarters: Seattle
- President: Winlock Pickering
- Employees: 1,200 in Washington
- Business: Group and individual health insurance
- 1989 revenue: Estimated between \$ 650 million and \$ 700 million
- Major competitors: Group Health Cooperative, Blue Cross of Washington and Alaska, Aetna
- Strategy: Charge small employers for health insurance based closely on the type of business the company is in and the sex and age of the company's work force. At the same time, King County plans to give employers credit for nonsmoking workplaces and work forces.

GRAPHIC: PHOTO PETER LIDDELL / SEATTLE TIMES: WINLOCK PICKERING, PRESIDENT, KING COUNTY BLUE SHIELD, WANTS TO TAILOR MEDICAL INSURANCE TO THE NEEDS OF THE COMPANY AND ITS WORK FORCE.

SUBJECT: INSURANCE; HEALTH, PERSONAL; PRESIDENTS

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LEVEL 1 - 9 OF 55 STORIES

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March 18, 1990, Sunday, Late Edition - Final

SECTION: Section 3; Part 2, Page 25, Column 1; Financial Desk

LENGTH: 929 words

HEADLINE: The Executive Life;
Humiliating Times For a Boss Who Smokes

BYLINE: By Deirdre Fanning

BODY:

In business corridors, smoking has become the great new equalizer, at least in the minds of some chief executives who are unable to quit. Cigarettes are no longer a symbol of strength, machismo and style, and smoky rooms, no longer synonymous with serious business. Executives who smoke these days tend to feel weak, embarrassed and ashamed. Smoking makes them feel less in control. It can shake their self-confidence.

"I'm responsible for overseeing about \$1 billion a year, and sometimes I think maybe the fact that I am ruled by this one little thing - cigarettes - means the wrong person is sitting in this chair," said one health care executive, who asked not to be named for fear of being further harassed by colleagues for his smoking. "Sometimes I think the kid in the stockroom who doesn't smoke is brighter than I am."

No smoker of any stripe commands social respect today. But many executive smokers are harder on themselves than on others in their organizations who smoke. By virtue of their education and professional stature, they believe they should know better than to sign their own death warrants. And the fact that they don't can leave a deep seam of humiliation for subordinates to mine.

"My employees make jokes about my smoking habit," the health care executive said. "And that hurts. I've had some very uncomfortable days at work because I can't stop smoking, and I've had about as much of that as I can handle."

Indeed, with the country increasingly divided into smoking and no-smoking zones - in restaurants, airplanes and office buildings - one might expect the executive battle line to be drawn between those who smoke and those who don't. But the struggle "is really within the smokers themselves," said Robert Rosner, executive director of the Seattle-based Smoking Policy Institute, which helps companies set up no-smoking policies. "These executives are control people. As smokers, they feel out of control."

That is why some executives go to extraordinary lengths to avoid being discovered. And even those who are out of the closet don't want their colleagues to know the level of their dependence. "I'm Mr. Clean until you smell my breath," said the health care industry executive, who says he often pops breath mints to disguise the problem.

Other executives refrain from smoking at any meeting where nonsmokers may be in attendance. "Generally, if you feel you have to ask permission, you don't

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smoke," said John F. Kirby, a senior vice president at the Continental Corporation who is one of the only remaining smokers among senior managers at the insurance company. "I have gone out of my way to avoid controversy." The stress of the job, of course, makes quitting cigarettes a tough assignment. Ask Steven Smith, another top executive at Continental, who tried to quit for years. A smoker for 20 years, Mr. Smith would kick the habit every weekend only to resume it on Monday. "I'd come back into work every Monday morning and see how long it took me to start again," said the executive vice president. "Usually it was around 10 A.M., but I think twice I made it until Tuesday."

He finally managed to quit three years ago. (And none too soon, as the insurer goes smoke-free on July 1.) "Smoking made me feel inferior, less worthy, weak in some way," he recalled.

But perhaps the hardest personal struggle comes for those executive smokers who, for whatever reason, institute companywide no-smoking policies and are supposed to obey and enforce rules that they dread themselves. Since 1984, Paul O'Brien, the president and chief executive of New England Telephone and Telegraph, has been steadily tightening the restrictions on smoking at the office. And last week, the company announced that on July 1, smoking would be completely banned at all offices. What of his own pack-a-day habit? "Well, I haven't quite made up my mind about quitting," he admitted. "But I realize that as president, the one overriding thing you can do is to give a sense of example. I am prepared for some difficult times ahead with this."

New England Telephone vice president of human resources, Peter Bertschmann, another smoker, is less sanguine. "We haven't quite figured out how to handle it," he said. "I know there'll be bad days when cigarettes are very important and I don't see myself going down 17 flights to smoke outside. We just ended a long strike with some of our workers and I can tell you, there was some pretty heavy smoking going on around these offices during those months."

Some executives even complain that no-smoking policies cause their productivity to fall by adding to their tension levels. "Smoking relaxes me," said Paul Russell, a senior vice president at National Medical Enterprises Inc. in Santa Monica, Calif.

Even tobacco companies, the stalwart upholders of smokers' rights, have stumbled in the changing tide. According to the best-selling "Barbarians at the Gate," when George Roberts, a partner at Kohlberg Kravis Roberts & Company, entered a meeting in 1988 at the headquarters of RJR-Nabisco to discuss the buyout firm's proposed purchase of the company, he immediately became irritated by the cigar and cigarette smoke hanging heavy in the conference-room air. Waving away the fumes, he asked Peter Cohen, then the chief executive of Shearson Lehman Hutton Inc., which had submitted a competing offer, to extinguish his cigar. Eyebrows were raised. Had Mr. Roberts forgotten he was trying to take over a cigarette manufacturer? Surely not. Kohlberg is the new owner.

GRAPHIC: Drawing

SUBJECT: SMOKING; CORPORATIONS; EXECUTIVES AND MANAGEMENT

NAME: FANNING, DEIRDRE

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Catastrophic

(Continued from page 12)
(at approval)."

In a separate but somewhat related effort, Rep. Edward Roybal (D-CA) is leading a charge to increase regulation of Medicare supplemental, or "Medigap" insurance.

House subcommittee staffers working for Roybal recently surveyed 35 state regulators and found that an expected

decrease in Medigap rates due to catastrophic care coverage never materialized. In fact, more than half reported rates were increasing by at least 35% for 1989—before the Medicare benefits were repealed. Maximum increases ranged from 10% in Massachusetts to 133% in Arizona.

In response, a new bill from Roybal would:

- Require government approval for all Medigap rate increases which exceed those expected for Medicare.

- Create a minimum national prior review process that would require the insurer to document the need for a rate increase.

- Provide seniors, upon request, a written justification for the proposed rate hike.

- Increase the federal minimum loss ratio for the policies from 60% to 70% for individual plans and 75% to 80% for group coverage. The loss ratios for all plans would be available to consumers through the state insurance departments.

In the Senate, Minnesota Republican Dave Durenberger said he wants to bring "drastic change" to the private health insurance industry. At a hearing on Medigap policies he announced, "I will be seeking improvements such as higher loss-ratio standards, standardizations of benefit packages, increased 'leveling' of commissions paid to sales agents and improved enforcement by state insurance regulators."

McArdle says employers could indi-



Mammography screening would be covered under the revised catastrophic care bill.

rectly benefit from expanded oversight, given that some firms are starting to fund the purchase of such policies for retirees. "In an election year, this is probably an issue that's got a lot of steam behind it," he observed.

Women more willing to get cancer screenings at work

Women who were offered low-cost breast x-rays at the work site were more than twice as willing to have the exams than those who were not, a radiologist says.

Dr. Howard B. Kessler of the Fox Chase Cancer Center in Philadelphia, said that by taking a 32-foot mobile mammography van to 53 work sites in Pennsylvania and Delaware, women were more willing to undergo the cancer-screening.

"There is a tremendous amount of avoidance to mammographies," Kessler said. "Women would rather not think about it."

However, with the support of co-workers and the convenience of the screenings at the workplace, more female employees were willing to undergo the screening for the cancer that killed 40,354 U.S. women in 1986.

Specifically, the exams were offered to female employees and male workers' spouses at a cost of \$30 each, with the company picking up the remaining \$30 tab, Kessler said.

Results then were sent to radiologists for diagnosis and the woman and her doctor were notified of the results in about five days, he said.

During the first year, 3,627 women—more than a third of the some 10,000 eligible—received mammograms at their workplace. From that group, 63 biopsies were recommended. Of those, nine cancers were identified—all in the early stages, Kessler said.

Kessler noted the importance of such numbers since federal researchers have estimated 19% of the deaths from breast cancer could have been prevented with recommended mammograms.

Doctors agree that women between the ages of 35 and 39 should have an initial exam; a subsequent x-ray every two years from ages 40 to 49; and annually thereafter.

"The problem you have is a reluctance by women to participate in the absence of symptoms," Kessler said.

However, despite interest by employers in work site exams, many areas do not offer such mobile units, Kessler said.

"It tends to be very expensive—the van and equipment alone cost \$250,000," Kessler explained. "We have been offering it for about four years, and we just break even. It's a very expensive and time-consuming venture—but of course the payoff comes when we detect cancer early."

Insurer offers discounts to non-smoking groups

By Anita Bruzzese

A Seattle-based healthcare service contractor affiliated with the national Blue Cross and Blue Shield Association has announced it will begin to offer smokers and their employers new financial incentives to kick the habit.

Although it is not believed to be the first such program in the country, the King County Medical Blue Shield's new benefit is important because if successful, Blues nationwide may consider offering the benefit. At the same time, King County has agreed to sponsor a massive educational campaign in the state designed to inform the public about the dangers of not only smoking, but passive smoking.

Specifically, the program for groups with at least five employees includes the following:

- Pays 75% of smoking cessation costs with a lifetime maximum of \$500. (This is considered a standard benefit and will be added free of charge as groups renew this year).

- Discounts ranging from 10% to 15% for group health plans to companies that are smoke-free and have a substantial majority of nonsmokers.

- An area-wide educational campaign that urges people to call an "800" number or mail in coupons to receive free brochures to stop smoking and an explanation of the dangers of passive smoking. Callers receive coupons for a 30% discount until the end of this month on materials from the Smoking Policy Institute in Seattle, and the discount is available from 12 other vendors in Washington.

Specifically, this major public education initiative will cost more than \$100,000 and is expected to reach 2.2 million people in the Puget Sound region.

Further, small groups with two to four employees who meet the requirements will have a 10% discount factored in at their renewal in October. Larger groups that are merit or experience-rated will have the smoke-free discount factored along with experience to determine rates. The 2%-3% discount will be available only for the first year the group qualifies.

Win Pickering, president of King County Medical, noted that the offer "is part of our continuing commitment to hold down the cost of healthcare insurance by encouraging people to choose a healthier lifestyle."

Smoking Costs

While individual rate cuts have been available to non-smokers for years, only a handful of group plans are believed to offer such discounts currently.

"I think this (King County) is a very big deal," noted Robert A. Rosner, execu-

(Continued on page 16)

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Some companies holding out on smoking policies

By Denise Marois

Ask most corporate executives whether they believe smoking in the workplace is a health threat, and they will overwhelmingly say it is.

Yet statistically, 40% of American companies have no smoking policy at all. And while 60% of corporations have some type of policy, experts agree that

figure is a smokescreen.

In fact, the smoking policy in many companies is so inadequate it does little to protect non-smokers from tobacco toxins, the experts say. Despite the fact that people who work alongside smokers reportedly run a high risk of contracting disease from passive smoke inhalation, many companies are dragging their feet on establishing an effective

smoking policy, either out of concern for the cost or fear of losing key personnel.

"Smaller companies are reluctant because of conditions unique to small companies. They have fewer places for designated smoking areas," said John Pinney, a Washington, D.C.-based expert on workplace smoking.

"In smaller companies, there are fewer executives and if any of

them smoke, they may block movement toward this."

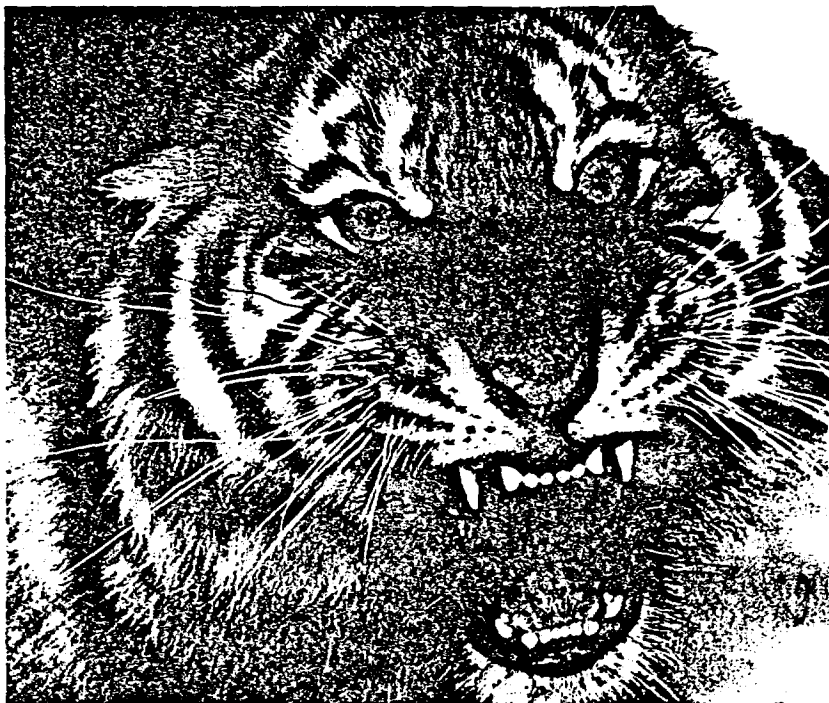
Pinney, who has been involved in workplace smoking issues for 12 years, is head of the Corporate Health Policies Group and director of the Harvard University Institute for the Study of Smoking Behavior and Policy. He said what concerns him more than companies with no smoking policy are those with policies that

don't adequately protect non-smokers.

Policies allowing smokers to designate their own offices as smoking areas, for example, serve little purpose. Cafeterias or employee lounges where smokers are separated from non-smokers by a table don't keep tobacco toxins out of a non-smoker's lungs, says Pinney. Yet both are situations commonly found in large corporations that claim to have smoking policies.

According to the Surgeon General's report, a substantial number of lung cancer deaths in non-smokers have been linked to involuntary smoking. The Environmental Protection Agency (EPA), also noted passive smoking increases respiratory illness in children.

An EPA report on environ-



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Smoking

(Continued from page 14)

tive director of the nonprofit Smoking Policy Institute. "They're really throwing down the gauntlet to other insurers."

Rosner added that each smoker can cost a company \$1,000 a year in lower productivity, illness, accidents, office upkeep and higher insurance premiums. "Data from individuals shows that non-smokers are better risks," he said. "But insurers know that if they want this from groups, they're going to have to



Robert A. Rosner

offer an incentive."

However, convincing colleagues to go "smoke free" is not without its problems, admitted Tracy Zacharias, senior public relations coordinator for King County.

"We have one group where the only two who smoke are the two top guys," Zacharias said. "I think this whole idea of getting an entire group to stop smoking is going to be sociologically be very interesting."

Zacharias added that the national Blue Cross and Blue Shield Association has been notified of the program. "They tell us they're going to be watching," she said. "They're very interested to see how it works."

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mental tobacco smoke issued last summer noted cigarette smoke contains more than 4,700 chemical compounds, 43 of them carcinogenic and some mutagenic which means they can cause permanent changes to genetic material. The EPA study found that nicotine is a widespread air contaminant in buildings where smoking occurs, and concentrations of nicotine's break-down element, cotinine, have been found in the body fluids of non-smokers exposed to environmental tobacco smoke.

What makes one company implement a successful smoking policy, while another just gives lip service? Matthew Myers, staff director for the Coalition on Smoking or Health in Washington, D.C., points to progressive corporate leadership as the key to a successful smoking policy.

He added that progressive leadership often extends beyond a tobacco policy. Those companies are often at the forefront of other health issues as well.

Anti-smoking advocate Bob Rosner believes companies fail to implement smoking policies for several reasons: they see smoking as a controversial issue that may disrupt company morale, someone in power smokes and doesn't want a smoking policy, they set unrealistic goals and see the process as either totally simple or too complex to manage, or they just don't want to spend the money.

In his capacity as director of a Seattle, Washington-based Smoking Policy Institute, Rosner has been working eight years to get companies to start up smoking policies, and he's heard just about every excuse for not doing it. He recalls one Fortune 500 company that considered his proposal to spend \$1,700 to start a smoking policy, but decided it was too costly.

He likened the corporate mentality and the struggle to get a smoking policy set up to seating children and adults at separate tables on Thanksgiving. "One of the big problems is that many of the people who are really interested in smoking policies, such as the medical directors, are sitting at the children's table...they have to sell to people who are most powerful in the corporation and that's difficult."

Another problem Rosner encounters is unrealistic expectations of what it will take to get a policy started. One enthusiastic executive thought it would be a "piece of cake," Rosner recalled. His plan met with so many obstacles the executive "got shot out of the water."

In other cases, companies will see it as just too big a project. "They'll say, call us back in 10 years. I just don't see this happening in our corporate culture," Rosner said.

Not all companies are behind the smoking eight ball. In

fact, some industries are way ahead of the game, as are some parts of the country.

Rosner said that in his experience, the west coast is leading the way in the number of companies setting smoking policies, followed by the east coast and the mid west. The south "is bringing up the rear," he said.

Myers said he finds a correlation between those states with public smoking policies and the number of companies that adopt smoking policies. After Minne-

sota passed restrictive smoking legislation in 1975, many companies there began implementing smoking policies. The same trend

While Rosner noted the health and insurance industries were the first to implement, Pinney pointed to the retail and service

cessation product, several tobacco companies that had been buying fertilizer from the corporation cancelled their orders. The product went to market anyway, and eventually the tobacco companies renewed their orders for fertilizer.

Nonetheless, Rosner said that in his opinion corporate America has done a poor job in protecting its workers from tobacco smoke.

"People just have a hard time with controversy," he said. ■

'They'll say, call us back in 10 years. I just don't see this happening in our corporate culture. 9

occurred in New York and New Jersey, he noted.

Nor is every industry as quick to adopt smoking policies.

industries as being slowest.

Rosner noted that when a chemical corporation several years ago introduced a smoking

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LEVEL 1 - 8 OF 55 STORIES

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GANNETT NEWS SERVICE

April 30, 1990, Monday

LENGTH: 861 words

HEADLINE: SMOKERS:AN ENDANGERED SPECIES

BYLINE: FRED WILLIAMS

KEYWORD: NOSMOKE

BODY:

When Motorola banned smoking from its electronics plant in Chandler, Ariz., in 1987, computer programmer Dave Brenton decided he would have to give it up.

His job, that is, not his habit. "When the day drew near, I left," he says.

Brenton's reaction to his ex-employer's smoking policy is unusual, but his situation isn't. Since 1986, when the surgeon general cited "passive" smoking as a cause of lung cancer in non-smokers, lighting up in public has become as socially acceptable as playing a boom box in a library.

Nowhere has opposition to smoke been more apparent than in the workplace. Smoking restrictions that only applied to factory floors before 1980 are now in place at more than half of all U.S. companies, says the Smoking Policy Institute of Seattle.

Along with nonsmoking policies has come a profound shift in corporate culture. As evidence of health risks continues to pile up, the unspoken question at many companies is, "If you're so smart, why don't you quit?"

"I think smokers are increasingly ashamed of their habit," says Charles Porter, a smoker and executive vice president of The Putnam Funds in Boston. "It says, 'I have an addiction that's bad for me, yet I do it anyway.'"

Peer pressure cleared the air at The Putnam Funds. In 1980, about 10 of the 40 people at the firm's bi-weekly financial strategy meetings would light up. Today, none does. "No one ever said a word to me, but it became apparent that it was no longer acceptable," Porter says.

Of course, a few smoke-filled rooms are still to be found in corporate America. But they're an endangered species. "Most people - non-smokers are clearly in the majority - think we're crazy," says George Page, executive editor of the TV series "Nature." Page says he still smokes in front of his nonsmoking, fitness-oriented boss, "but sometimes you get kidded about it."

Smokers are feeling heat because of:

Health concerns: A 1989 Environmental Protection Agency report called tobacco smoke "a major source of indoor air pollution." The EPA estimates that passive smoking in the workplace causes as many as 5,000 lung cancer deaths a year

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among non-smokers. Tobacco companies argue that the harmful effects haven't been proven. But to be on the safe side, most employers are adopting policies that protect non-smokers.

Corporate performance: Smoking costs companies about \$ 65 billion a year in absenteeism and higher health care bills, according to the Office of Technology Assessment. A four-year study by Control Data Corp. found that pack-a-day smokers generated insurance claims 18 percent higher than non-smokers.

Personal image: At some companies, smokers are fighting an image problem. More and more they're perceived as being weak-willed for continuing to smoke. As smoking becomes more and more the habit of less-educated people - 35.7 percent of high school dropouts smoke, vs. 16.3 percent of college graduates - it becomes increasingly associated with lower skill levels.

Even companies whose top managers are smokers are adopting smoking policies. Most top execs at Management Recruiters International, a Cleveland headhunting firm, are smokers. But a new Cleveland ordinance that entitles non-smokers to smoke-free offices is forcing a change. "The majority is going to rule," says President Alan Schonberg, who gave up cigars five years ago.

When a company adopts a smoking policy, few smokers choose to quit their jobs as computer programmer Brenton did. Job-locator services say that only about 1 percent of their clients look for new jobs because they couldn't live with the smoking policy at their previous offices. In fact, smokers would rather switch than fight. Enrollment in stop-smoking classes increases sixfold when a company adopts restrictions, the Smoking Policy Institute says.

Policies also benefit smokers by spelling out where indulgence is allowed, thus lessening friction with co-workers who want clean lungs. "I don't think we want to go around offending people," says WNET's Page.

During the 1980s, several companies adopted a severe smoking policy: They quit hiring smokers. Northern Life Insurance Co. in Seattle pared the number of smoking employees to nine, down from 50 in 1983, with a hiring ban. "We were always told that's a legal form of discrimination," President Robert Pugmire says. Such extreme policies are becoming more controversial. Last year, Oregon adopted a law protecting smokers' right to work, and 11 other states are considering similar measures. One reason: Smoking is increasingly associated with minority groups - 35.4 percent of black men smoke, vs. 31.7 percent of white men. That leaves hiring bans aimed at smokers open to court challenges that they contribute to racial discrimination.

Whether smokers' rights laws pass or not, the smoking habit is likely to remain socially unacceptable. Even Brenton, who after quitting Motorola tried to stem the tide of restrictions, didn't have much success. His American Smokers Alliance now numbers only 2,500. Brenton, 36, works part-time as an independent computer consultant.

(Fred Williams writes for USA TODAY.)

SUBJECT: SMOKING

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LEVEL 1 - 7 OF 55 STORIES

Copyright (c) 1990 Gannett Company Inc.

USA TODAY

May 1, 1990, Tuesday, FINAL EDITION

SECTION: MONEY; Pg. 1B

LENGTH: 995 words

HEADLINE: Burning issue at work;
Firms' rules put smokers under fire

BYLINE: Fred Williams

BODY:

When Motorola banned smoking from its electronics plant in Chandler, Ariz., in 1987, computer programmer Dave Brenton decided he would have to give it up.

His job, that is, not his habit. "When the day drew near, I left," says Brenton, who started a group of angry smokers to fight increased restrictions. American Smokers Alliance has 2,500 members.

Brenton's reaction to his ex-employer's smoking policy is unusual, but his situation isn't. Since 1986, when the Surgeon General cited "passive" smoking as a cause of lung cancer in non-smokers, lighting up in public has become as socially acceptable as playing a boom box in a library. Nowhere has opposition to smoke been more apparent than in the workplace. Surveys by the American Society for Personnel Administration found 54% of companies restricted smoking in 1987, up from 36% a year earlier. Today, 60% of companies restrict smoking - and 24% of those ban it from the workplace, according to the Smoking Policy Institute, a Seattle consulting firm.

Along with non-smoking policies has come a profound shift in corporate culture and a case of culture shock for many of the nation's 50 million smokers. Type-A managers with overflowing ashtrays were once admired for their work habits. Now many feel shunned because of their nicotine habit. As evidence of health risks continues to pile up, the unspoken question at many companies is, "If you're so smart, why don't you quit?"

"I think smokers are increasingly ashamed of their habit," says Charles Porter, a pipe smoker and the executive vice president of The Putnam Funds in Boston. "It says, 'I have an addiction that's bad for me, yet I do it anyway.'"

Peer pressure cleared the air at The Putnam Funds. In 1980, about 10 of the 40 people at the firm's bi-weekly financial strategy meetings would light up. Today, no one does. "No one ever said a word to me, but it became apparent that it was no longer acceptable," Porter says. Non-smokers got the message across with half-joking tactics, such as moving ashtrays to the opposite end of the table from a smoker. Although Putnam doesn't have a formal smoking rule, smoke also disappeared from the lunchroom, leaving private offices as the last sanctuary. That's where Porter lights up.

Of course, you can still find a few smoke-filled rooms in corporate America. But they're an endangered species. "Most people - non-smokers are clearly in the majority - think we're crazy," says George Page, executive editor of the TV series *Nature*, which is produced by WNET in New York.

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(c) 1990 USA TODAY, May 1, 1990

Smokers are feeling heat because of:

- Health concerns. A 1989 Environmental Protection Agency report called tobacco smoke "a major source of indoor air pollution." Doctors estimate that passive smoking in the workplace causes as many as 5,000 lung cancer deaths a year among non-smokers. Tobacco tars can remain in a non-smoker's lungs for five months. Closing the door to a smoker's office only limits peak exposure, not the average intake of carcinogens over the long term, the EPA says. Tobacco companies argue that the harmful effects haven't been proven, but most employers figure that's not the point. To be on the safe side and to head off possible lawsuits from non-smoking employees, they're banning or limiting smoking in the workplace.

- Corporate performance. Smoking costs companies about \$ 65 billion a year in absenteeism and higher health-care bills, according to the Office of Technology Assessment. A four-year study by Control Data Corp. found that pack-a-day smokers generated insurance claims 18% higher than non-smokers. Tobacco lobbyists say the results are skewed because a disproportionate share of smokers work dangerous blue-collar jobs.

- Personal image. At some companies, smokers are fighting an image problem. More and more they're perceived as being weak-willed for continuing to smoke. At companies where smoking is limited to designated areas, workers must take a break to visit the "sin bin," linking tobacco with a poor work ethic. Smoking also is increasingly associated with lower skill levels; 35.7% of high school dropouts smoke vs. 16.3% of college graduates.

When the boss is a fitness buff, restrictions on smoking are likely to be strict, policy consultants say. Take Packaging Corp. of America in Chicago. President Monte Haymon, an ex-smoker and marathon runner, says the policy at corporate headquarters reflects his personal philosophy: Don't do it on the job. That makes non-smoking "tantamount to a condition of employment," Haymon says. The company also provides a gym and a health food cafeteria for the 250 headquarters workers. "We think that (healthy employees) translate into efficiency and productivity in the workplace," Haymon says.

When a company adopts a smoking policy, few smokers choose to do what computer programmer Brenton did. Employment services say that only about 1% of their clients look for new jobs because they couldn't live with the smoking policy at their previous offices. In fact, smokers would rather switch than fight. Enrollment in stop-smoking classes increases sharply when a company adopts restrictions, the Smoking Policy Institute says.

During the 1980s, several companies took strict measures: They quit hiring smokers. Northern Life Insurance Co. in Seattle pared the number of smoking employees to nine, down from 50 in 1983, with a hiring ban. "We were always told that's a legal form of discrimination," President Robert Pugmire says. But such extreme policies are becoming more controversial. Last year, Oregon adopted a law protecting smokers' right to work, and 11 other states are considering similar measures.

Whether smokers' rights laws pass or not, the smoking habit is likely to remain socially unacceptable. Says management consultant Christopher Hegarty, "I believe that by the end of the century it will be considered a terrible, terrible thing for people to smoke."

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(c) 1990 USA TODAY, May 1, 1990

GRAPHIC: PHOTO; color, Don Stevenson (Dave Brenton)

CUTLINE: BRENTON: Former employee of Motorola left job fuming and started group to fight restrictions.

TYPE: Cover Story

SUBJECT: SMOKING; CORPORATION; CIVIL RIGHTS

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LEVEL 1 - 6 OF 55 STORIES

Copyright (c) 1990 Gannett Company Inc.
GANNETT NEWS SERVICE

May 1, 1990, Tuesday

SECTION: BUSINESS Q & A

LENGTH: 1027 words

KEYWORD: BIZQA

BODY:

Since 1986, when the Surgeon General cited 'passive' smoking as a cause of lung cancer in non-smokers, lighting up in public has become as socially acceptable as playing a boom box in a library. Nowhere has opposition to smoke been more apparent than in the workplace. Surveys by the American Society for Personnel Administration found 54 percent of companies restricted smoking in 1987, up from 36 percent the year before. Today, 60 percent of companies restrict smoking - and 24 percent of those ban it from the workplace entirely, according to the Smoking Policy Institute, a Seattle consulting firm.

QUESTION: How is smoking viewed in management ranks?

ANSWER: Along with non-smoking policies has come a profound shift in corporate culture and a case of culture shock for many of the nation's 50 million smokers. Type-A managers with overflowing ashtrays were once admired for their work habits. Now many feel shunned because of their tobacco habit. As evidence of health risks continues to pile up, the unspoken question at many companies is, 'If you're so smart, why don't you quit?'

Q: How has a particular company handled the smoking issue?

A: Peer pressure cleared the air at The Putnam Funds in Boston. In 1980, about 10 of the 40 people at the firm's bi-weekly financial strategy meetings would light up. Today, no one does. 'No one ever said a word to me, but it became apparent that it was no longer acceptable,' says Charles Porter, a pipe smoker and the executive vice president of Putnam. Non-smokers got the message across with half-joking tactics, such as moving ashtrays to the opposite end of the table from a smoker. Although Putnam doesn't have a formal smoking rule, smoke also disappeared from the lunchroom, leaving private offices as the last sanctuary. That's where Porter lights up.

Q: How about a company that doesn't have a formal smoking policy?

A: Of course, you can still find a few smoke-filled rooms in corporate America. But they're an endangered species. 'Most people - non-smokers are clearly in the majority - think we're crazy,' says George Page, executive editor of the TV series Nature, which is produced by WNET in New York. Page says he still smokes in front of his non-smoking, fitness-oriented boss, 'but sometimes you get kidded about it.'

Q: What are some arguments against smoking indoors?

A: A 1989 Environmental Protection Agency report called tobacco smoke 'a major source of indoor air pollution.' The EPA estimates that passive smoking

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in the workplace causes as many as 5,000 lung cancer deaths a year among non-smokers. Tobacco tars can remain in a non-smoker's lungs for five months. Closing the door to a smoker's office only limits peak exposure, not the average intake of carcinogens over the long term, the EPA says. Tobacco companies argue that the harmful effects haven't been proven, but most employers figure that's not the point. To be on the safe side and to head off the threat of lawsuits from non-smoking employees, they're banning or limiting smoking in the workplace.

Q: Are there any figures on smoking affecting work performance?

A: Smoking costs companies about \$ 65 billion a year in absenteeism and higher health care bills, according to the Office of Technology Assessment. A four-year study by Control Data Corp. found that pack-a-day smokers generated insurance claims 18 percent higher than non-smokers. Tobacco lobbyists say the results are skewed because a disproportionate share of smokers work dangerous blue-collar jobs.

Q: Can smoking change a person's perception of another?

A: At some companies, smokers are fighting an image problem. More and more they're perceived as being weak-willed for continuing to smoke. At companies where smoking is relegated to designated areas, workers must take a break to visit the sin bin, linking tobacco with a poor work ethic. Smoking also is increasingly associated with lower skill levels; 35.7 percent of high school dropouts smoke vs. 16.3 percent of college graduates.

Q: Is it true the boss sets the smoking-no smoking workplace?

A: When the boss is a fitness buff, restrictions on smoking are likely to be strict, policy consultants say. Take Packaging Corp. of America in Chicago. President Monte Haymon, an ex-smoker and marathon runner, says the policy at corporate headquarters reflects his personal philosophy: Don't do it on the job. That makes non-smoking "tantamount to a condition of employment," Haymon says. The company also provides a gym and a health food cafeteria for the 250 headquarters workers. "We think that (healthy employees) translate into efficiency and productivity in the workplace," Haymon says.

Q: How do most smokers handle smoking policies?

A: Employment services say that only about 1 percent of their clients look for new jobs because they couldn't live with the smoking policy at their previous offices. In fact, smokers would rather switch than fight. Enrollment in stop-smoking classes increases sixfold when a company adopts restrictions, the Smoking Policy Institute says.

Q: How do most smokers feel about workplace restrictions?

A: In a 1983 Gallup poll, 75 percent of smokers said they favor workplace restrictions on smoking. Gore & Associates, which makes the waterproof material Goretex at plants in Maryland and Delaware, is an example. When the company put plans for smoking policies to an employee vote last year, a majority of smokers favored the strictest option: smoking only outdoors.

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Q: Has there been any proven discrimination against smokers?

A: During the 1980s, several companies adopted a severe smoking policy: They quit hiring smokers. Northern Life Insurance Co. in Seattle pared the number of smoking employees to nine, down from 50 in 1983, with a hiring ban. "We were always told that's a legal form of discrimination," President Robert Pugmire says.

Q: Are there any laws protecting smokers rights?

A: Last year, Oregon adopted a law protecting smokers' right to work, and 11 other states are considering similar measures. Whether smokers' rights laws pass or not, the smoking habit is likely to remain socially unacceptable.

SUBJECT: CORPORATION; SMOKING; EMPLOYEE; POLL; QUESTION AND ANSWER

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LEVEL 1 - 5 OF 55 STORIES

Copyright (c) 1990 Seattle Times Company
The Seattle Times

June 25, 1990, Monday, Final Edition

SECTION: NEWS; Pg. A1

LENGTH: 470 words

HEADLINE: EPA: KEEP SMOKERS NONSMOKERS APART

BYLINE: BY WARREN KING

BODY:

Companies nationwide should prevent their workers from being involuntarily exposed to tobacco smoke, the Environmental Protection Agency said today in the draft of a landmark report on "secondhand smoke."

The agency stopped short of recommending an outright ban on smoking in the workplace. But it said that "based on the significant health risks" of tobacco smoke, companies should segregate smokers from nonsmokers.

The agency also declared drifting smoke a substance known to cause cancer in humans.

And it estimated that 2,500 nonsmokers a year die from being exposed to tobacco smoke.

Since there is no established health-based threshold for exposure to secondhand smoke and since the EPA does not recognize a safe level for cancer-causing agents, the agency recommends that exposure of nonsmokers to such smoke be eliminated, the report said.

Before being finalized, the long-pending report will now be reviewed by a group of independent scientists, and will be subject to public comment for 60 days.

Among the other major points made in the 72-page report are:

-- Secondhand smoke is linked to respiratory problems and increased incidence of ear infections in young children.

-- Such smoke may aggravate heart and lung problems.

-- Secondhand smoke spreads rapidly through buildings, persists long after smoking ends and is one of the largest sources of indoor pollution.

-- Secondhand smoke contains more than 4,000 chemicals, 43 of which are known human or animal carcinogens. Tobacco-smoke components can be found in the body fluids of exposed nonsmokers.

The EPA said exposure to the smoke can be eliminated by setting up enclosed, separately ventilated smoking rooms with direct external exhausts or by banning indoor smoking.

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(c) 1990 The Seattle Times Company, June 25, 1990

Employees and unions should help develop policies on smoking control, the agency added.

Robert Rosner, one of the chief authors of the report and a Seattle consultant on nonsmoking policies, said there are three keys to implementing smoking bans: educating employees about the need for such a policy, phasing in a smoking ban and providing free nonsmoking programs.

"The most important thing is that there are not just health concerns but a variety of issues" surrounding secondhand smoke, said Rosner, president of the Smoking Policy Institute. "There are also safety concerns and employee morale."

The EPA said it based its conclusions on a review of 24 independent epidemiological studies on the health effects of secondhand smoke.

The evidence linking secondhand smoke to increased lung cancer incidence "cannot be attributed to chance," the agency said.

Those interested in commenting on the report may obtain a copy from: ORD Publications Office, CER1-FRN; U.S. Environmental Protection Agency; 26 W. Martin Luther King Drive; Cincinnati, Ohio 45268.

SUBJECT: SMOKING

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LEVEL 1 - 4 OF 55 STORIES

Copyright (c) 1990 Gannett Company Inc.
USA TODAY

June 26, 1990, Tuesday, FINAL EDITION

SECTION: NEWS

LENGTH: 336 words

HEADLINE: More and more firms adopt smoking policies

BODY:

Robert Rosner, 33, is executive director of the Seattle-based Smoking Policy Institute, a non-profit organization that works with businesses on the issue of smoking. He was interviewed by USA TODAY's Barbara Reynolds.

USA TODAY: Isn't the issue of smoking at work a relatively new concern for business?

ROSNER: I started on the issue eight years ago and I have seen an incredible increase in interest on smoking policies at work.

USA TODAY: You advise employers. What do they ask you?

ROSNER: They realize that there are problems associated with smoking in the workplace. Companies are getting complaints from employees, and they have decided that they need to do something.

USA TODAY: What do you advise them?

ROSNER: We go through a problem-solving approach of looking at their facilities, and looking at their ventilation system and their people, and we try to determine the best policy for their needs.

USA TODAY: Do you have an example of a company that has banned smoking?

ROSNER: Pacific Northwest Bell introduced a total ban on smoking in the workplace five years ago.

USA TODAY: What was the reaction of the employees?

ROSNER: The company recently did a survey and asked employees, is our policy right? And 70% agreed it was right. It then asked how many thought that it was not strict enough, and 19% said it was not.

USA TODAY: Weren't a lot of smokers angry?

ROSNER: What's interesting in this study was that 60% of the smokers said the ban on smoking was adequate.

USA TODAY: Are you finding that more companies are refusing to hire workers who smoke?

ROSNER: Not really. The number for that has remained quite constant. We very strenuously advise companies not to refuse to hire smokers. And there are

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companies that say you can't smoke outside of our building, and I think that is wrong. Once an employee goes home, why be concerned about that? My position is that once an employee leaves the building or is on his own time, smoking is irrelevant.

SUBJECT: SMOKING; EMPLOYEE

NOTES: Accompanies; Topic; SMOKING AT WORK; There's no doubt; we must ban smoking

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LEVEL 1 - 3 OF 55 STORIES

Copyright (c) 1990 Chicago Tribune Company;
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July 16, 1990, Monday, NORTH SPORTS FINAL EDITION

SECTION: BUSINESS; Pg. 8; ZONE: W

LENGTH: 600 words

HEADLINE: Where there's smoke you may be fired - or at least not hired

BYLINE: By Larry Hackett, New York Daily News

BODY:

Smoking is dirty, unhealthy and expensive. And at certain businesses, it's the reason some people aren't hired.

About 60 percent of American companies regulate smoking, studies show, either by corralling smokers into one area or banning it from the job site. But a fraction of companies - about 6 percent nationwide - refuse to hire smokers. Anybody caught smoking, whether it's in their car, at the mall or even at home, faces dismissal.

"We have a right to make a decision to protect the health and well-being of our customers and associates," says Louis Fortunoff, explaining the 5-year-old smoking prohibition at his family's chain of housewares stores. Concern about the effects of passive smoke, along with fear of fires in crowded stores, led to the decision, he says.

Keeping non-smokers happy is the biggest reason for the bans, says the Administrative Management Society.

There is also a savings in health costs, which are almost always higher for smokers. That rationale has been used by some police and fire departments, whose medical bills are picked up by taxpayers.

Prospective employees at non-smoking companies are asked to abide by the edict, verbally or in writing. "We don't police them," says John Hughes, personnel director for New Brunswick Scientific, an Edison, N.J.-based manufacturing company. "How do I know what they do after work? We'd prefer if they didn't (smoke)."

Hughes and Fortunoff say their companies have fired people for breaking smoking rules. Both companies also face challenges: The New Jersey Division of Human Rights has taken Fortunoff before an administrative law judge on behalf of a female smoker denied a job in a Fortunoff store restaurant, while a labor union at New Brunswick Scientific is trying to end the non-smoker rule.

Turner Broadcasting System has refused to hire smokers since November 1986, in part for health reasons, in part because Ted Turner hates smoke, employees say. There have been recent reports of firings, but a spokeswoman insists "nobody has been hired and then fired as a result of smoking."

Is barring smokers illegal? At least five states - Illinois, Arkansas, California, Virginia and Oregon - have laws protecting smokers from

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discrimination. Courts have supported on-site smoking prohibitions, but they have yet to rule on the legality of total smoking bans.

Those who support total bans say smoking isn't a constitutionally guaranteed right, and that it's ludicrous to lump smokers with traditionally discriminated minorities.

Others think the bans can be beaten. "We're talking about a unique situation where there's an attempt to control off-the-job conduct," says labor lawyer Karen Honeycutt. She and others say the problem isn't discrimination; it's an invasion of privacy.

Workplace smoking consultant Robert Rosner of the Smoking Policy Institute in Seattle thinks bans are legal but "a stupid idea" because they are unenforceable and draconian.

He advocates the course taken by many big companies: on-site restrictions and bans, coupled with aggressive tactics to help people kick the habit. Extra vacation, cash bonuses and smoking cessation programs are among the tools used by some large corporations.

Even aggressive anti-smokers question whether total smoker bans are worth it. "We don't care what people do in the privacy of their own home; if people want to compromise their health, who cares?" says anti-smoking activist Joe Cherner of Smoke Free Education Services on Long Island. "What most people care about is smokers compromising the health of innocent people."

BUSINESS; EMPLOYEE; HEALTH; ISSUE; PROFILE; DISCRIMINATION

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LEVEL 1 - 2 OF 55 STORIES

Copyright (c) 1990 Gannett Company Inc.
GANNETT NEWS SERVICE

August 2, 1990, Thursday

LENGTH: 1253 words

HEADLINE: DON'T LIGHT UP NEAR ME!

BYLINE: AD HUDLER

KEYWORD: ANTISMOKE

BODY:

The way Ray Crampton sees it, the world is starting to get a little too uncivil. He tells this story:

Not long ago, the 60-year-old Fort Myers, Fla. man was waiting for a plane in the terminal at Hartsfield International Airport in Atlanta. As idle tobacco-loving travelers do, he lit up a Salem cigarette and settled back in his vinyl chair for a smoke.

Then, believe it or not, Crampton says, a man walked up to him and dropped a verbal bomb.

"I hope you die of cancer of the lung," the man told a startled Crampton.

"Let me tell you," Crampton says, remembering that moment, "There's a fanaticism out there. These people are getting rude."

If you're a smoker, you've probably noticed the attack through headlines and from Dan Rather.

KA-BAM! Today, 43 states limit smoking to some degree in public places - and the rules are getting stronger.

SPLASH! A few months back, a man in Illinois was fined for throwing a cup of coffee on a cigar smoker.

ZONK! Even the normally upbeat Reader's Digest assured smoking men in a recent article that they were more likely than non-smokers to become impotent.

POW! This spring, Congress permanently turned on the no-smoking lights for all commercial airline flights in the continental United States.

A stop-smoking campaign has smoldered for decades. In 1964, the Surgeon General issued his first report on the health hazards of nicotine. Since then, that office has released and preached 20 similar studies.

Why, then, is it just today that we've seen all these radical no-smoking reforms? Why are smokers under siege now? What would prompt a strange man in Atlanta to wish Ray Crampton dead?

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About 25 years ago, 40 percent of adult United States residents smoked.

For decades, tobacco has been as implanted in our culture as soap operas and the automobile. It's even more ingrained in retirement areas, such as Southwest Florida because older people grew up with a Hollywood that made smoking look sexy and macho, says Jennifer Stock of the Smoking Policy Institute in Seattle. Bogart Smoked. Dietrich smoked. Detectives smoked. Advertisements back then even told people smoking would clear their sinuses and calm them down.

"It was socially encouraged," Stock says. "It's very hard for these older people to change. It's part of their lifestyle. They've been doing it for most of their lives."

"What you're doing here (with the anti-smoking campaign) is trying to change culture," says Beverly Rozar, executive director of the American Cancer Society's Southwest Florida office in Fort Myers. "It's just taken this long to change those attitudes."

Five years ago, the percentage of Americans who smoked had dropped to 30 percent. Today, the American Cancer Society estimates it to be anywhere from 26 percent to 29 percent.

The numbers are smaller today, but all those years of smoking have finally caught up with us.

Since the 1960s, the number of deaths due to lung cancer has risen every year. Last year, 390,000 United States residents died from smoking-related illnesses.

"People take a long time to get a scare. It takes time for people to smarten up," says Frank Cimmino, 51, of Cape Coral, Fla. "Americans habitually have to be painted into a corner before they respond."

Smoking has become more of a commodity. That's made people more territorial about the 5 to 10 feet of turf that surrounds them.

In the 19th century, writer Oliver Wendell Holmes put it this way:

"Tobacco is a filthy weed that from the devil does proceed. It drains your purse, it burns your clothes, and makes a chimney of your nose."

Health and Human Services says smoking costs the United States \$ 52 billion each year in increased health care expenses, higher insurance rates and lost productivity. It costs motel and hotel owners an extra \$ 1,500 per room every year, just to replace the bedspreads and other things damaged by cigarettes, says Charlie Stiles, chairman of the public issues committee for Florida's chapter of the American Cancer Society.

Some businesses, like Turner Broadcasting System in Atlanta (WTBS, CNN) won't even hire smokers.

Everywhere, it's getting harder to indulge in a Kool or Camel at work.

"And if they can't smoke in the work place, they're more likely to quit. That's what's happening," Rozar says.

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In addition, cigarettes constantly rise in cost. And that, too, helps push people to stop smoking.

History backs that up. One of the biggest drops in cigarette smoking came in 1983, when the federal excise tax on cigarettes doubled. Over the past few years, many states have continued to raise cigarette taxes to help them balance their budgets. It used to be smokers could dump two or three quarters into a machine for a pack. Today, most machines charge \$ 2.

The country's median age continues to rise. That means, frankly, that an ever-growing part of the population is closer to old age and death. Because of that, there is a greater reverence for life today, Stiles says. That's why people are taking charge of what they're putting into their bodies. They have learned they have control over their longevity.

No changes would have gained momentum had it not been for that white-bearded, white-uniformed owl-like Surgeon General, C. Everett Koop.

Reagan's head medicine man tried to snuff out smoking as no other government official has ever done. He likened tobacco to heroin. He released report after report, the most eyebrow-raising of those being his study that said smoke from smokers also can kill people sitting next to them at the movies or at McDonald's.

It gave non-smokers the equivalent of a heavy-duty fire extinguisher. Many took the news to their unions and demanded a smoke-free workplace, says Stock, of the Smoking Policy Institute.

'It gave them (non-smokers) the courage to take a position,' she says. 'It's something that everybody knew, but this gave them something to refer to.'

Now that the federal government has taken on the omnipotent tobacco industry, it's given others the courage to follow suit. Using a 25-cent-a-pack tax on cigarettes to pay for it, California just started a series of advertisements that accuse cigarette makers of "exploitation of minorities, seduction of the young and the selling of suicide."

Tobacco companies also are getting sued. One high-profile case involved Rose D. Cipollone, who died from cancer after smoking more than a pack of cigarettes every day for 43 years. Her husband sued and won a hefty sum from three tobacco companies, which, he said, were responsible for his wife's death because it sold a product that it knew was deadly. Health experts say cases like this have given tobacco giants a tarred image.

And, unlike what the National Rifle Association has managed to do with gun legislation, the tobacco lobby hasn't been able to sway Congress' opinion about easing the smoking laws. The reason for that, Stock says, is because Americans have taken the smoking issue into their own hands at a grassroots level. Most of the laws have passed at city hall and the state capital - places closer, more accessible to the people.

Ray Crampton, the gentleman who was accosted in the Atlanta airport, says we need a cause to rally behind - something they don't have right now. There's no Vietnam war. The Evil Empire has turned into a pussycat. Our standard of

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living, he says, is comfortable. Why not make fire-breathing smokers the new monster?

(Ad Hudler writes for the Fort Myers News-Press)

SUBJECT: SMOKING

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LEVEL 1 - 1 OF 55 STORIES

Copyright (c) 1990 Chicago Tribune Company;
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August 13, 1990, Monday, NORTH SPORTS FINAL EDITION

SECTION: BUSINESS; Pg. 1; ZONE: C

LENGTH: 1545 words

HEADLINE: Tobacco profits still a picture of health

BYLINE: By Pat Widder, Chicago Tribune

DATELINE: NEW YORK

BODY:

The anti-smoking movement in the U.S. met with unprecedented success in the decade just past.

Smoking has been declared a passive health hazard by the U.S. Environmental Protection Agency. The American Medical Association has assailed the export of U.S. cigarettes. Smoking is banned on nearly all domestic flights, in two out of five offices, in most public places. Smoking is even being banned in a growing number of jails in America.

Domestic consumption continues to decline, dropping another 4 percent in 1989, and smoking, once considered socially acceptable and sophisticated, is viewed by a majority of Americans as a stupid, filthy habit dangerous to everyone.

The dread tobacco industry is on the run, right?

Wrong. Though the fact infuriates the anti-smoking forces, the tobacco industry also prospered in the 1980s.

"Despite long-term concerns about cigarette consumption trends, excise tax increases and litigation developments, cigarette stocks since 1981 have outperformed the Standard & Poor's 500-stock index in every year but one (1985)," said Dean Witter Reynolds Inc. analyst Lawrence Adelman.

U.S. tobacco exports exploded in the mid-1980s. They leaped 25 percent last year and are up again, to \$1.8 billion in the first five months of 1990. Even in Japan, a notoriously difficult market, U.S. tobacco products have 14 percent of the market, up from 3 percent just three years ago.

If this kind of performance were turned in by any other industry, it would be hailed as a sterling example of American efficiency, marketing brilliance and superior quality.

But tobacco carries with it the health-hazard baggage. Since the U.S. surgeon general's first report on the dangers of smoking in 1964, the industry has been portrayed as "merchants of death." And so an industry that serves 49 million people, employs more than 700,000, generated a positive trade balance of \$3.7 billion and paid nearly \$10 billion in federal, state and local excise taxes in 1988 is under attack on all fronts.

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If making and selling cigarettes weren't so profitable, companies such as Philip Morris Cos., RJR Nabisco Inc., Loews Corp., American Brands Inc., UST Inc. and Liggett Group Inc. probably would determine that the regulatory hassle, constant litigation and negative image aren't worth it.

But few manufactured products are as profitable as cigarettes. They are virtual money machines. Operating profit margins for tobacco products range from 40 to 50 percent, said Kurt Feuerman, tobacco analyst with Morgan Stanley & Co.

Tobacco is the second most capital-intensive industry in the nation behind petroleum, said Farrell Delman, president of the Tobacco Merchants Association of the U.S. Inc. Machines can make 10,000 cigarettes a minute, he added.

And they are sold 20 to a pack at increasingly high prices, currently an average \$1.60 in the U.S. Consumer prices for tobacco products in the U.S. have risen 6 to 19 percent every year since 1980.

So, financially, it is clearly worth it. Calvert Crary, analyst with Labe, Simpson & Co., likens tobacco to an oil field. "As long as the oil keeps flowing, this extraordinarily dangerous product will be profitable," he said.

In fact, he added, "Tobacco companies are addicted to the profits from cigarettes to an even higher (degree) than smokers are addicted to nicotine."

Many tobacco companies have put their immense profits and excess cash from selling cigarettes, cigars, chewing tobacco and the like into non-tobacco, and more socially respectable, areas.

R.J. Reynolds Tobacco Co. bought Nabisco Brands Inc. in 1985, creating RJR Nabisco. The Liggett Group not only has diversified out of tobacco and into sports cards and candy, but it also changed its name last month to the Brooke Group Ltd.

Loews bought an insurance company in the 1970s and recently has purchased oil rigs. (Loews is the chief investment vehicle for the Tisch family, which also has a controlling stake in the CBS television network.)

Philip Morris first bought General Foods in 1985, then Kraft Foods in 1988. With its June purchase of the Swiss chocolate and coffee company, Jacobs Suchards A.G., 38 percent of Philip Morris' profits come from nontobacco products.

Philip Morris is the acknowledged "pricing leader" of the tobacco pack, said Feuerman. He projects Philip Morris' annual earnings growth of 20 to 25 percent for the next decade.

"The only way to stop the Philip Morris machine is to ban smoking, and Washington gave up prohibition in the 1920s," said Prudential-Bache Securities Inc. analyst John McMillin.

But efforts are underway to ban smoking. A shareholder resolution soundly defeated at the Philip Morris annual meeting this year proposed that the company get out of the tobacco business by the year 2000.

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Cigarette sales were banned in 14 states in the U.S. between 1895 and 1927, according to the Tobacco Merchants Association.

These days, anti-smoking efforts range from banning or restricting smoking, to increasing the "sin tax" on tobacco products, to restricting advertising and sales outlets such as vending machines, to persuading institutional investors to divest tobacco stocks, as Southern Illinois University, Harvard University and the City University of New York have done.

Some 425 cities across the country have adopted ordinances restricting smoking in public, said Kevin Goebel, manager of legislative projects for the Berkeley, Calif.-based Americans for Non-Smokers Rights. "Our goal as an institution is that the country should be smoke-free in public." He added: "We don't preach to the smokers. We're trying to protect people from the smoke, not the smokers."

The Administrative Management Society, based in Trevose, Pa., has tracked smoking policies in corporate America for a decade. Survey consultant Joseph McKendrick said the first survey on the topic in 1980 showed 16 percent of companies had a smoking policy. By this year, that had risen to 68 percent.

Last year, McKendrick added, one of four companies banned smoking. This year, that rose to 38 percent. Eighty-one percent of managers surveyed said smoking should be banned in the office, McKendrick said, though many realize it hurts productivity because people then must leave their desks or work areas to smoke.

The tobacco companies raise cigarette prices every year, and Congress is proposing that federal excise taxes, last raised in 1983, be doubled to 32 cents a pack.

Pity the poor smoker. He's an outcast, and he's going to have to pay more.

"The tobacco industry views smokers as a market. The anti-smoking people view smokers as the enemy. Both views exploit smokers," said Bob Rosner, of the Seattle-based Smoking Policy Institute.

The anti-smoking movement contends that 400,000 Americans die every year from smoking-related causes, and it has unsuccessfully attempted to make the cigarette companies legally liable for years. "Everyone believes cigarettes are bad for you, but proving it is very difficult," said Feuerman.

The industry has been assessed damages in only one case, the Cippolone case in New Jersey in 1988, and even that \$400,000 verdict against Liggett was recently overturned by the U.S. Court of Appeals in Philadelphia. Even before the verdict was overturned, Feuerman noted, "the number of new cases dropped and the tobacco stocks doubled." Litigation peaked at 170 cases three years ago, and the number of cases outstanding is 60.

In a case that is sure to be appealed to the U.S. Supreme Court, the New Jersey Supreme Court ruled last month in Dewey vs. Brown & Williamson, American Brands and R.J. Reynolds that warnings don't protect cigarette manufacturers from liability suits.

The explosion in U.S. tobacco exports has given the anti-smoking forces a new issue. The merchants of death are now exporters of death, they say.

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And international growth for U.S. tobacco companies is strong, said Feuerman, because "American cigarettes are perceived as higher quality, the U.S. companies have a size advantage in marketing and trade barriers are dropping, especially in the Far East."

Without U.S. exports, per-capita consumption of tobacco still would be rising in some parts of the world, the Tobacco Merchants' Delman said. And people have been smoking for hundreds if not thousands of years. It is a habit unlikely to disappear.

And as long as it remains so profitable, U.S. companies are unlikely to relinquish their leadership position, though the "increasingly hostile environment" for tobacco has become a "way of life" for the industry, said Feuerman.

The new tobacco industry

Cigarette production

In trillions of units

U.S., rest of world, Total, 1981-'88

U.S. exports

In billions of dollars, 1981-'89

Cigarette consumption

In percent for 1985-88

Where it's growing

China	35.6%
Indonesia	28.3
Dominican Republic	27.0
Thailand	15.9
South Korea	14.5

Where it's declining

Syria	55.5%
Guatemala	30.1
Venezuela	19.3
Singapore	18.3
El Salvador	14.5

Note: U.S. decline is 8.6%

GRAPHIC: PHOTO (color): Despite growing restrictions on smoking, the operating profit margins on tobacco products still range from 40 to 50 percent, according to analysts. Tribune photo by Steve Johnson.

PHOTO: Some 425 cities across the country have adopted ordinances restricting smoking in public and 68 percent of companies have a smoking policy with 38 percent instituting a ban. Tribune photo by Walter Kale.

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